

CAZON
EAB
-H 26

Government
Publications

EA-87-02



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 369

DATE: Tuesday, April 14, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

FARR
&
ASSOCIATES
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4





CAZON
EAB
-H 26



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 369

DATE: Tuesday, April 14, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member


FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

EARR
ASSOCIATES &
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4





Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116531682>

HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held in the "Royal Room" of The
Empire Hotel, 425 Fraser Street, North Bay,
Ontario, on Tuesday, April 14th, 1992,
commencing at 9:00 a.m.

VOLUME 369

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS
MR. D. O'LEARY		
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MR. M. BAEDER	)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MR. G. KAKEWAY)	
MR. J. IRWIN		ONTARIO METIS & ABORIGINAL ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY

APPEARANCES (Cont'd):

MR. R. COTTON		BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS	)	ONTARIO TRAPPERS
MR. R. BARNES	)	ASSOCIATION
MS. B. LLOYD	)	NORTHWATCH COALITION
MR. P. ZYLBERBERG)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK	)	MUNICIPAL COMMITTEE
MR. D. SCOTT	)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR	)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL		GREAT LAKES FOREST
MR. S.M. MAKUCH		CANADIAN PACIFIC FOREST PRODUCTS LTD.
MR. D. CURTIS	)	ONTARIO PROFESSIONAL
MR. J. EBBS	)	FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES (Cont'd):

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>RON WAKEGIJIG</u> ; Affirmed.	64063
Direct Examination by Mr. Zylberberg	64063
Cross-Examination by Mr. Cassidy	64078
Cross-Examination by Mr. Freidin	64088
<u>WILLIAM TRUDEAU</u> ; Sworn.	64096
Direct Examination by Mr. Zylberberg	64096
<u>HAP WILSON</u> ; Sworn.	64113
Direct Examination by Mr. Zylberberg	64113
Cross-Examination by Mr. Freidin	64153
<u>MURRAY MUIR</u> ; Affirmed.	64171
Direct Examination by Mr. Zylberberg	64171
<u>JEAN SHAWANA</u> ; Called.	64187
Direct Examination by Mr. Zylberberg	64188
<u>BRUCE HODGINS</u> ; Affirmed.	64203
Direct Examination by Mr. Zylberberg	64203
Cross-Examination by Mr. Cassidy	64238
Cross-Examination by Mr. Freidin	64246
Scoping Session	64272-64284

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2182	Excerpt from a 1977 book entitled Forest Flora of Canada by Cunningham, Bulletin 121 from the Department of Northern Affairs and National Resources.	64081
2183	Book entitled Temagami Canoe Routes authored by Mr. Wilson, dated 1978.	64114
2184	Five-page publication entitled Critical Analysis of the Temagami District Tourism compiled by Northern Concepts 1988, authored by Hap Wilson.	64117
2185	Book entitled: The Temagami Experience, authored by Professor Hodgins and Jamie Benedickson.	64205
2186	Interrogatory responses of Professor Hodgins re: Section 12 of Exhibit 2179.	64263
2187	Excerpted photograph from Temagami Wilderness publication, summer 1988, published by Temagami Wilderness Society.	64266

1 ---Upon commencing at 9:05 a.m.

2 MADAM CHAIR: Good morning, Mr.
3 Zylberberg, Ms. Lloyd.

4 We are ready to begin then hearing your
5 witnesses this morning and I understand the first
6 witness will be Mr. Ron Wakegijig as well as Mr.
7 William Trudeau and Jean Shawana.

8 MR. ZYLBERBERG: Yes.

9 MADAM CHAIR: Please go ahead.

10 MR. ZYLBERBERG: Mr. Wakegijig and
11 Trudeau are here. Ms. Shawana will be here later on in
12 the morning. I propose to start with Mr. Wakegijig.

13 RON WAKEGIJIG; Affirmed.

14 DIRECT EXAMINATION BY MR. ZYLBERBERG:

15 Q. Mr. Wakegijig, you live in
16 Wikwemikong?

17 A. That's right.

18 Q. And among other things that you are
19 knowledgeable as to you are knowledgeable as to
20 traditional medicines and use of traditional plants?

21 A. Right.

22 Q. Are there many persons in
23 Wikwemikong, Manitoulin Island, who have your degree of
24 knowledge about traditional medicines and traditional
25 plants?

1 A. Six people that I work with, they're
2 quite knowledgeable.

3 Q. Is this knowledge that you learned
4 from books?

5 A. No.

6 Q. Where did you come by your knowledge
7 of --

8 A. Well, my mother's aunts were medicine
9 women. I started learning when I was about five years
10 old. I've kept it up since.

11 Q. Are there younger people to whom you
12 are passing on this knowledge?

13 A. Yes.

14 Q. To the best of your knowledge how
15 many decades or centuries or thousands of years worth
16 of time has it taken to develop the knowledge about
17 herbs and plants that you use?

18 A. Well, to the native people, the
19 measure of time is irrelevant. It took me a long time.
20 We don't measure time in years or minutes or hours.
21 It's just time.

22 Q. Are you still actively involved in
23 using medicinal plants for healing?

24 A. Very much so.

25 Q. Now, can you perhaps talk to the

1 Board about where you find the plants that you use?

2 A. Well, Manitoulin itself is noted for
3 a wide variety of medicinal herbs and plants. So the
4 ones that don't grow on Manitoulin Island we have to go
5 to different parts of Ontario. Some of them are in the
6 United States of America because one rare species I can
7 think of that used to be on Manitoulin is mountain ash,
8 as they call it.

9 Nowadays we have to go up on the North
10 Shore, what we call the North Shore, north of Massie to
11 get grown tree bark.

12 Q. Are there other species that one used
13 to be able to find on Manitoulin that one can't
14 anymore?

15 A. Prince's pine is becoming quite rare
16 on Manitoulin Island because a lot of pine -- it's hard
17 to describe. The prince's pine will grow right along
18 pine trees, pine groves, sandy soil. So most of the
19 pipe trees on Manitoulin has been cut out. We have to
20 go to the North Shore to get prince's pine.

21 Q. Is it just that species, just those
22 two, or are there many that are harder to find?

23 A. There is another plant they call
24 cardinal flower which is rare. It usually grows in
25 swampy lands or along river banks. We also have to go

1 to the North Shore to get that type of plant.

2 There is one type of plant they call
3 swamp root. I don't know the English name for it. We
4 just call it swamp root in the Indian language. For
5 that I have to go down to Michigan to harvest every
6 fall right after Thanksgiving weekend.

7 Q. When you were young did people have
8 to go that far to find that plant?

9 A. (nodding affirmatively)

10 MR. FREIDIN: What was the answer?

11 MR. ZYLBERBERG: I think the answer was
12 yes.

13 THE WITNESS: Yes.

14 MR. ZYLBERBERG: Q. Can you talk to the
15 Board a little about the way in which logging practices
16 have affected one's ability to find these plants?

17 A. Well, first of all, the pine that was
18 mentioned, once you get cut down the pine -- like,
19 prince's pine grows in the shade of pine trees. So
20 once you cut down the pine you lose your prince's pine
21 as well.

22 There is birch bark. That has medicinal
23 value as well as economic value. On Manitoulin there
24 is not very much birch left because of the logging.
25 There, again, we have to go up on the North Shore,

1 sometimes even as far as Timmins to harvest birch bark.

2 In the United States, birch bark is --
3 it's illegal to harvest birch bark in the states
4 because it's that rare, so I'm told.

5 What we used to have to do was get a good
6 working rapport with the Ministry of Natural Resources
7 in Espanola which is sort of like a district office.
8 So we used to find out who had timber cutting rights or
9 if there was any Crown lands and we would get
10 permission or they would give us a map to show us where
11 we can find the birch.

12 So birch, when I said it had economic
13 value, there's a lot of ladies back home that still do
14 birch bark quilt work. For them that's an income.
15 They supplement their daily existence by producing that
16 type of craft, but the roots and the branches of birch
17 are also medicinal because it's full vitamins anyway.
18 There is vitamin C.

19 So we use that quite a lot for tea or
20 tonic. There is a tonic that we make. It takes 16
21 different varieties of trees to produce and birch is .
22 one of the main ingredients in that tonic.

23 Q. If you went back a generation or two
24 generations would all the ingredients have been locally
25 available?

1 A. Most of them. Indian people have
2 always been -- I don't like to use the word, but
3 nomadic. They were always travelling, you know, for
4 sustenance, berry picking and so forth and so on. We
5 also have a lot of people that had relatives along the
6 North Shore, even as far as the Manitoba border. So we
7 travelled back and forth visiting and gathering
8 medicines, exchanging medicines.

9 Q. When forests are cut down and
10 replanted, do they grow -- does the same profusion of
11 plant life grow back with them? Do these plants grow
12 back with them?

13 A. No.

14 Q. When forests are clearcut, what
15 happens to these species?

16 A. A lot of damage to everything. See,
17 some plants need shade to grow properly towards
18 maturity. When you clearcut you destroy just about
19 everything there is. There's nothing left.

20 Q. Does the Ministry know what species
21 are important to you and to other traditional native
22 people?

23 A. I don't think so.

24 Q. Have they ever come by to do an
25 inventory of what species have medicinal value?

1 A. Not that I know of.

2 Q. So when they do mapping to decide
3 what to cut and what not to cut, do they know what they
4 are going to lose?

5 A. Well, all they're interested in is
6 the marketable timber. Everything else seems to be
7 secondary.

8 Q. Now, the Wikwemikong itself has
9 started looking at timber management?

10 A. That's right.

11 Q. Can you explain that history to the
12 Board?

13 A. Well, we started off a program about
14 five years ago. I forget the government organization
15 that actually sponsored our first attempts at
16 reforestation. We have about six major pulp cutters on
17 the reserve and what we're afraid of is what's
18 happening elsewhere, the forest will be gone before we
19 know it.

20 Now, what they've done, because a lot of
21 the native people still know the medicinal plants,
22 they've managed to save a lot of them that we can use
23 in making our remedies, but from one generation to the
24 next that knowledge becomes lost. People get careless.

25 It seems to be -- you've heard the

1 expression the almighty dollar. It would be left to
2 the almighty dollar, so everything else becomes
3 secondary to preserve nature. Nature is irreplaceable.
4 You just can't attach a price to it.

5 Q. Can I ask to tell the Board more
6 about the timber management planning in Wikwemikong and
7 how it might differ from the timber management planning
8 that you see --

9 A. What we're involved in is we're
10 trying to save our maple brush, maple groves. What
11 they do is -- I think it's called silviculture where
12 you thin out and the trees can more properly; give them
13 enough room and breathing space and growing space.

14 So we've been doing that and also this
15 summer we're going on a major tree planting program and
16 we actually hired a timber -- a forest manager, a young
17 man that took the course in Sault Ste. Marie, I believe
18 it was, on managing the forest industry or forest
19 products. So he's working for us now on a full-time
20 basis.

21 Q. With the objective of what, of
22 maximizing production?

23 A. Not really. Saving the forest. Now,
24 this summer, if I may continue, what they're going to
25 do is they're going to be producing a map, something

1 like you were talking about, taking an inventory of
2 everything including the medicinal plants and what they
3 want to do is they want to stay away from the groves of
4 plants that people come at this stage in time.

5 But also on our reserve, on the south
6 side of what they call South Bay -- it would be on the
7 west side, there is an area that we preserved as a
8 wilderness area. There is no cutting allowed at all on
9 that particular area, no cabins, nothing. We're just
10 saving that part of nature as long as we can.

11 Q. Is the harvesting of medicinal
12 species unique to Manitoulin or is this something that
13 the Anishnabai know wherever they are?

14 A. It's what we call universal
15 knowledge. It is used every place and there are
16 actually some plants that people travel through
17 Manitoulin to harvest that you can't find any place
18 else. They're in abundance. The senec root is a very
19 hard root to find any place except Manitoulin Island.
20 So people travel hundreds of miles to harvest that
21 root, that particular root.

22 Q. When the Ministry does their mapping
23 all over the province, are there people like yourselves
24 throughout the province that they could go to to make
25 sure that their mapping takes cognizance of medicinal

1 species?

2 A. Oh yes.

3 Q. How many different kinds of different
4 plant species do you use?

5 A. Personally, my own repertoire uses
6 anywhere from 130 to 150 different variety of plants.
7 Some of them -- what we do is some of them have to
8 exchange from other areas. If they are not indigenous
9 to Manitou Island we have to change. Like, I was
10 mentioning senec root.

11 At one time we were allowed to use paoti
12 until it become illegal. Now that plant we have to get
13 from Mexico. So the plants that we have here in
14 Ontario or on Manitoulin likely they don't have any
15 mix, but they still want to use them because of this
16 knowledge we're talking about, thousands of years of
17 knowledge.

18 Q. Are there then thousands of years of
19 history of trading in medicinal plants from one nation
20 to another?

21 A. The culture at one time was based on
22 the barter system. We didn't have a monetary system,
23 so we used a barter system.

24 Q. And those 150 species that you use,
25 how many of them can you still find readily? Can you

1 still find easily?

2 A. It's getting harder and harder for a
3 lot of reasons. First of all, there is the tourist
4 industry. People build cottages on top of medicinal
5 plants and the forest is being cut down.

6 Well, the only example -- the easiest
7 example I can use is prince's pine. It just
8 disappeared along with the forest. You can't get it
9 anymore.

10 Q. The species that you use, would they
11 be the same species as elders know traditional medicine
12 would use elsewhere in northern Ontario or North
13 America or would they be different species?

14 A. Yes.

15 Q. If you were to speak to somebody with
16 similar knowledge in Manitoba he would likely have a
17 repertoire of the same plants?

18 A. That's right.

19 Q. How important is clean water to the
20 plants that you depend on?

21 A. It's very important because a lot of
22 the plants won't grow in stagnant water or polluted
23 water.

24 We used to get cardinal flower north of
25 Massie, along those rivers and swamps, river beds, but

1 it doesn't seem to grow any more. It's disappearing.
2 You can't even drink that water anymore. It used to be
3 if you went out there and you got thirsty you could
4 take a cup and drink the water right from a stream, a
5 lake, a pond. You can't do that anymore.

6 Q. In your experience has the problem of
7 polluted water been a serious one or a minor one?

8 A. It's quite serious.

9 Q. To what extent has it affected the
10 ability of the plants that you use to survive?

11 A. It seems to starve plants with
12 polluted water. See, part of our culture is what they
13 call the Great Lakes culture, the woodlands culture.
14 We depend on nature itself for our survival, very much
15 like the plants themselves.

16 What happens in a clearcut, for instance,
17 there is all kinds of pollution that takes place.
18 Like, there is oil spills from the machines that they
19 use, there are trees rotting in that swamp land and
20 that swamp water eventually makes its way to the Great
21 Lakes system.

22 On this side of the height of land
23 everything flows into the Great Lakes, Lake Superior,
24 Georgian Bay, Lake Huron and along down the Great Lakes
25 water system including the St. Lawrence River. There

1 is all kind of pollution that's happening right now.

2 Q. Now, the medicinal species that you
3 use, have scientists studied all of them to determine
4 what's in them that makes them valuable?

5 A. Something like the rain forest. They
6 don't even know half of what's out there.

7 See, the type of medicine that we see
8 today is modern medicine. Most of it is chemical
9 medicine, synthetic. It's produced in laboratories,
10 whereas it used to be natural remedies including right
11 from the Greek culture.

12 We're entirely dependent on medicinal
13 plants for the practice of medicine. That's not
14 happening anymore. Take aspirin, for instance, for
15 natural aspirin we use either black or yellow will
16 because it contains the same ingredients as you find
17 in -- I won't use any brand names for aspirin. There
18 is a name for them. The same ingredient.

19 The only difference is the medicinal
20 ingredient in aspirin that you buy over the counter or
21 prescription is produced in a laboratory. Natural
22 products aren't used anymore.

23 Q. Many of those natural products were
24 studied by scientists and they discovered what the
25 active ingredient was and then learned to synthesize

1 it --

2 A. Modern medicine has its root in
3 primitive medicine.

4 Q. I think what you are saying is that
5 many of the plants you use haven't been studied, so if
6 they disappear then scientists won't be able to
7 synthesize it because they won't know what was there?

8 A. Exactly. See, when we make up an
9 ingredient, some of them have maybe four different
10 varieties of plants.

11 When I dispense or prescribe or recommend
12 certain ingredients they know exactly what's in that
13 little bottle, whereas if you go to a doctor, modern
14 physician or orthodox physician, all he knows is the
15 brand name in the literature that he gets from the
16 laboratory where it's produced. He doesn't actually
17 know how it works except from that literature that he
18 gets. We know how our plants work, what they effect,
19 how much to use, when not to use them.

20 So our doctors are traditional doctors
21 and are just as educated in their own way as a modern
22 physician or an orthodox physician.

23 Q. I am going to ask you in a few
24 minutes to be prepared to translate for William
25 Trudeau. Before I do, I wonder if you have anything

1 else that you would like to tell the Board that I
2 haven't asked you.

3 A. I guess my main concern for being
4 here, I consented to appear as a witness is being very
5 close or working close with nature. I don't like
6 what's happening out there. Everything is being done
7 indiscriminantly. Everything is being ruined. It is
8 irreplaceable.

9 How can you replace maybe a hundred acre
10 pine grove? It's just not going to happen. You may
11 plant hybrid trees, but they're not the same. I can't
12 use hybrid trees to make my medicine. I need the
13 natural product itself, the way it was created, the way
14 it was placed on this creation.

15 So something has got to be done to
16 prevent all this waste that's happening, all this
17 pollution that's being created. That's my main concern
18 for being here.

19 I know it's hard for somebody that's been
20 born and raised in a city to comprehend what I'm trying
21 to say, it's very difficult. It's the same as me going
22 to the city. I find it very hard to adjust to that
23 type of living. I probably could, but with a lot of
24 difficulty.

25 So we don't expect -- you know, I will

1 say it again and I've said it a lot of times. It's not
2 meant to be derogatory or insulting to anyone in this
3 room, but you can't learn about nature in a university.
4 You just can't. All you know are the basics,
5 biological knowledge. That's what I call book
6 knowledge. When you go out into nature itself it takes
7 years and years to learn about plants and animals and
8 everything else.

9 So I guess that's all I have to say for
10 the time being.

11 MR. ZYLBERBERG: Perhaps, Madam Chair, we
12 should open the floor to questions.

13 MADAM CHAIR: Are there any questions for
14 Mr. Wakegijig -- excuse me, sir, I am having trouble
15 with your name, but I do with everybody's name. I have
16 a reputation for that.

17 Mr. Cassidy?

18 MR. CASSIDY: I am going to move up
19 there, Madam Chair, for a few minutes.

20 CROSS-EXAMINATION BY MR. CASSIDY:

21 Q. Just a point of clarification and I
22 understand, sir, you may not be able to help me with
23 this, but in that case I will ask Mr. Zylberberg.

24 You have talked a great deal about
25 Manitoulin Island in your evidence and, in fact, in

1 your written material as well and my understanding of
2 the situation in Manitoulin Island is that there is
3 your reserve or a reserve on Manitoulin Island and the
4 rest is all privately owned such that there is no Crown
5 land on Manitoulin Island. Are you aware of that?

6 A. That's right.

7 MR. CASSIDY: Therefore, it will be my
8 position it will be outside the area of the
9 undertaking, Madam Chair, and I will move on and deal
10 with that in argument later.

11 MR. ZYLBERBERG: Perhaps I should
12 respond. The part of the lands that this witness uses
13 are the North Shore where there are Crown lands.

14 So that although he lives in Manitouline,
15 he can tell us about Manitoulin, but certainly what he
16 wants the Board to do, if it can, is to make sure that
17 his interests are respected on Crown lands adjacent to
18 Manitoulin Island and I would assume that other persons
19 like himself would plead with you to ask that the
20 interests that he puts forward be respected throughout
21 the province.

22 MR. CASSIDY: I take no issue with
23 respect to North Shore. I do take issue with respect
24 to the relevance of any evidence about Manitoulin
25 Island.

1 Q. If I then may move on. You have
2 talked about the prince's pine, sir. I looked in
3 paragraph 8 of your witness statement. You may not
4 have it handy there, but you call it a rare species of
5 plant and I think you have talked about it today.

6 I just want to show you something that I
7 had provided to me by Mr. Nicks, who you may not know,
8 but has been a witness in this hearing.

9 This is an excerpt from a book, a 1977
10 book, called Forest Flora of Canada by Cunningham,
11 Bulletin 121 from the Department of Northern Affairs
12 and National Resources. I have excerpted page 86 from
13 that and attached it to the title page of this book.

14 If you look at that, sir, you will see on
15 page 86 on the right-hand side there is a picture of
16 the prince's pine. Is that the plant that you were
17 talking about in your evidence in paragraph 8?

18 A. Yes, it is.

19 Q. When you look underneath that -- in
20 fact, before I get into any further questions, Madam
21 Chair, perhaps we can mark that as the next exhibit.
22 Mr. Pascoe says 2182, Madam Chair.

23 MADAM CHAIR: Yes, that will be Exhibit
24 2182.

1 ---EXHIBIT NO. 2182: Excerpt from a 1977 book entitled
2 Forest Flora of Canada by
3 Cunningham, Bulletin 121 from the
 Department of Northern Affairs
 and National Resources.

4 MADAM CHAIR: What we do, Mr. Wakegijig,
5 each time the Board receives a new piece of information
6 we give it a number. So that when we sit down at the
7 end of the day to write our decision we can keep track
8 of all this information.

9 Go ahead, Mr. Cassidy.

10 MR. CASSIDY: Q. On that page, 86, sir,
11 you see the reference to prince's pine in the picture
12 and it indicates with respect to each of the plants,
13 for example, on that page where they can be found and
14 with respect to the prince's pine it indicates that it
15 is found from eastern Quebec and Nova Scotia all the
16 way to B.C.

17 My understanding of Canadian geography is
18 that is virtually the whole of the country with the
19 exception of Newfoundland and PEI and the northern part
20 of Canada, and I suggest to you that in fact the
21 prince's pine is anything but rare and, in fact, it is
22 found commonly through Ontario. What is your view of
23 that?

24 A. You're talking about 15 years ago.

25 Q. My understanding is that that is

1 still the case.

2 A. Not to me.

3 Q. You are nodding your head in
4 disapproval. Is it your position in the last 15 years
5 it has become rare throughout all of Canada?

6 A. Well, we're not talking about all of
7 Canada. We're talking about the province Province of
8 Ontario, as far as I know. If I went out to British
9 Columbia I suppose I can find prince's pine if it's
10 there.

11 Q. You didn't limit your evidence in
12 paragraph 8 to being only in Ontario. I suggest to
13 you, sir, that it's not a rare species even today and
14 that you have not done any survey to indicate that in
15 fact it is rare?

16 A. It's rare to me.

17 Q. It may be rare in your area, is that
18 what you are saying?

19 A. That's right.

20 Q. Now, I would like to move on to
21 paragraph 18. I think you just talked about it before
22 you finished in respect of book knowledge. In
23 paragraph 18 -- do you have that? Does he have that?

24 Paragraph 18, that's on page 8, Madam
25 Chair.

1 You talked about, and I am quoting you:

2 "If a scientist walked in here today I
3 would take anything he had to say with a
4 grain of salt. He can't put anything
5 over on me."

6 Do you know Dr. Peter Quinby?

7 A. No.

8 Q. Pardon me?

9 A. No.

10 Q. You don't know Dr. Quinby. I
11 understand he is a witness that is going to testify
12 tomorrow for Northwatch and he has been called as a
13 scientist. I take it then you take anything he says
14 with a grain of salt?

15 A. That's...

16 Q. You were very clear in paragraph 18.
17 Why is it difficult?

18 A. Well, I'd have to talk to the person
19 myself.

20 Q. I see.

21 A. To compare notes, compare knowledge.

22 Q. So there may be circumstances in
23 which in fact you would defer or in fact agree with or
24 in fact take into consideration as valuable the
25 opinions of scientists?

1 A. Well, I consider myself a scientist
2 as well in my own way.

3 Q. So in that regard then you would take
4 into account as potentially useful and valuable the
5 opinions of other scientists?

6 A. It's possible. I'm not saying it is.

7 Q. Now, I want to go to paragraph 11.

8 In that paragraph you talked about
9 examples or situations where timber is falling or has
10 fallen into water and then it poisons that water, you
11 call it swamp water in paragraph 11 and both my client
12 and the Ministry of Natural Resources asked you
13 questions about that, where that occurred.

14 And if I can take you to Exhibit 2180
15 which is the collection of interrogatory responses,
16 it's page 17, Mr. Zylberberg, you can help the witness.

17 MADAM CHAIR: What page is that, Mr.
18 Cassidy?

19 MR. CASSIDY: 17, Madam Chair.

20 Q. Do you have that, sir?

21 A. Yes.

22 Q. Do you need time to read it? Take
23 your time.

24 You were asked to provide locations of
25 where this alleged activity was occurring, and in

1 response to the question from my client you talked
2 about flooding resulting in the trees falling down.

3 The paragraph 11 talks about I think
4 clearcutting, and then in response to the Ministry's
5 interrogatory at the bottom of that page you talk about
6 mill effluent and cutting in the watershed that feeds
7 the Mississauga River resulting in slash remaining on
8 the ground.

9 Now, as I understand those, there appear
10 to be almost three separate causes there:
11 Clearcutting, slash being left on the ground, and
12 flooding, and perhaps even a fourth, mill effluents.

13 Can you help me is it -- which one is it,
14 or is it all four or what is it? I'm just not sure
15 what you're talking about?

16 A. I would say it's all four.

17 Q. I see. So it's a variety of things
18 that are causing it?

19 A. Right.

20 Q. And one of them is the slash left on
21 the ground contaminating the groundwater; is that it?

22 A. That's right.

23 Q. So you would not be in favour of
24 leaving slash on the ground after cutting because it
25 contaminates the groundwater; is that fair?

1 A. That's right.

2 Q. And, therefore, you're not really
3 clear that it can, in fact, be isolated to
4 clearcutting, it may be a combination of these other
5 factors; is that right, including natural flooding?

6 A. You want me to be specific.

7 Q. Do your best.

8 A. May I use an example?

9 Q. Do your best.

10 A. Okay. There was a major hydro
11 project that took place in Manitoba.

12 Q. Major what?

13 MS. LLOYD: Hydro project.

14 THE WITNESS: Hydro project.

15 Now, if you went over there and talked to
16 the Native people that live in that area they will show
17 you perfect examples of what I'm showing in this
18 statement. There's chemical action with the rotting
19 water, it kills everything including the fish and most
20 aquatic life.

21 MR. CASSIDY: Q. Do you know what that
22 chemical reaction is? can you describe it?

23 A. I just know it happens.

24 Q. Okay. All right. Just a couple of
25 final questions. The area in which you forage, if I

1 can use that word, for Prince's pine, you would agree
2 with me is a relatively small part of the whole of
3 Ontario; is that right?

4 A. Well, Ontario is a huge province to
5 begin with.

6 Q. Yeah.

7 A. Now, I get most of my medicine, like
8 Prince's pine, we call the north shore and the north
9 shore is anywhere from Manitoulin to Sault Ste. Marie
10 and up to Thunder Bay.

11 Q. Right. How far inland?

12 A. I can't tell you that in exact
13 measure.

14 Q. Yeah, but I don't need right to the
15 mile. Can you give me a ballpark?

16 A. Well, when I go to Massey to pick
17 Prince's pine I have to travel that road that heads
18 north to the old Plante sawmill, I think it's about 60
19 miles up that road, so I have to travel all the way up
20 to where I used to and there's no Prince's pine there,
21 it's been cut out.

22 Q. Do you have --

23 A. I can use that as an example.

24 Q. You've not done a survey across the
25 rest of the province; is that right?

1 A. No.

2 MR. CASSIDY: If I could just have a
3 minute, Madam Chair.

4 Thank you, Madam Chair.

5 MADAM CHAIR: Thank you, Mr. Cassidy. Do
6 you have any questions, Mr. Freidin?

7 MR. FREIDIN: Yes, yes, I do.

8 MADAM CHAIR: Excuse me. Ms. Gillespie,
9 did you have any questions?

10 MS. GILLESPIE: No questions, Madam
11 Chair.

12 CROSS-EXAMINATION BY MR. FREIDIN:

13 Q. Mr. Wakegijig, could you just turn to
14 paragraph 18 of your witness statement, please, and
15 it's in that paragraph about halfway through where you
16 make the comment that:

17 "MNR has decided that they don't want
18 to fund our program for forest
19 management."

20 The project you're referring to there is
21 one which is going to take place on reserve land; is
22 that true?

23 A. That's right.

24 Q. And am I correct that the program
25 that was being discussed between your reserve and the

1 Ministry was one which was contemplated as being one of
2 the community forest projects that was going to be
3 undertaken in the province?

4 A. The statement was taken before
5 announcement was made by the minister that project was
6 going to be funded.

7 Q. All right. So am I correct that the
8 project that you refer to here which wasn't funded, it
9 wasn't funded at the time you've written the statement,
10 but since writing the statement it has been funded; is
11 that correct?

12 A. I believe so, yeah.

13 Q. And it's one of the four community
14 forest projects which have been identified by the
15 minister to take place in Ontario?

16 A. Begrudgingly because -- may I...

17 Q. Begrudgingly or not, sir, it's been
18 identified and you've been funded; is that correct?

19 A. I believe so.

20 Q. Thank you. Now, you indicated that
21 you had a good working relationship with the Espanola
22 district in terms of getting information on birch bark?

23 A. That's right.

24 Q. Is that correct?

25 A. That's right.

1 Q. I understand, sir, that you also have
2 a good working relationship with that MNR office as
3 well in relation to the identification of herbal
4 medicines and where they exist, not only on Manitoulin
5 Island but along the north shore; is that correct?

6 Let me -- you're hesitating. It's my
7 information, sir, that there is a corporation called
8 the Wikwemikong - and I'm probably mispronouncing that.

9 A. Wikwemikong.

10 Q. Wikwemikong Economic Development
11 Corporation.

12 A. That's right.

13 Q. Are you familiar with that?

14 A. That's right.

15 Q. Do you have anything to do with that
16 corporation?

17 A. I am president of it.

18 Q. And it's my understanding that that
19 corporation and the Espanola office of the Ministry of
20 Natural Resources have a project underway which has as
21 its purpose the identification of Native values on the
22 Wikwemikong reserve, all of Manitoulin Island and part
23 of the north shore of Lake Huron; is that correct?

24 A. Well, that's part of the project I
25 was mentioning to Mr. Zylberberg earlier, that we have

1 this project where we're going to be taking inventory
2 after all these years, hopefully.

3 Q. Right. And so it's part of this
4 project then which is being funded by the Ministry of
5 Natural Resources. It's part of that project?

6 A. No.

7 Q. It's a separate project?

8 A. That's right.

9 Q. And this project then of doing this
10 is being done in cooperation with the Ministry of
11 Natural Resources in the Espanola office; is that
12 correct?

13 A. Which part of the project?

14 Q. The one about identifying Native --
15 the identification of herbal medicines and where in
16 fact they can be located on the reserve on Manitoulin
17 Island and part of the north shore of Lake Huron.

18 A. Our project is confined to
19 Manitoulin, the Wikwemikong Indian reserve.

20 Q. And that's the one in relation to the
21 identification of location of herbal medicines?

22 A. We're doing that on our own.

23 Q. Are you saying that MNR is not
24 assisting you in that regard. My information is that
25 they are.

1 A. Well, generally, generally.

2 Q. Generally they are.

3 A. They're sponsoring a forest project,
4 but the medicine part, identifying medicinal plants,
5 where they can be found is our project as a reserve.

6 Q. All right. And just so I understand
7 you, it's your information that the MNR office from
8 Espanola are not going to be involved in that
9 particular part of the project?

10 A. Not that part of the project.

11 Q. What about the identification of
12 values such as birch bark and where it in fact is
13 located and in areas where it may be of use to you?

14 A. Well, we know where it's located but
15 we don't know who has the timber rights to these Crown
16 lands. We know where there's birch bark.

17 Q. Are your people willing to identify
18 for the Ministry of Natural Resources or other people
19 who are doing timber management planning on the north
20 shore and elsewhere where in fact these medicinal
21 plants are located and where in fact birch bark, which
22 is of use to you, is located so that it can be taken
23 into account when timber management plans are being
24 prepared?

25 A. As far as I know nobody ever asked us

1 for anything.

2 Q. All right. If people actually came
3 to your communities and asked you for that sort of
4 information, would that be a process which you would --
5 do you think that would be a good idea if you were
6 specifically asked for that kind of information?

7 A. Well, if I was talking to a
8 traditional leader I wouldn't tell him where plants
9 could be found.

10 Q. But what if the Ministry of Natural
11 Resources said: We've heard this evidence about a
12 concern about medicinal plants, we want to come and
13 talk to you and you tell us where they are located so
14 that we can make sure we don't damage them through
15 timber management operations, would you be willing to
16 provide that kind of information to the Ministry of
17 Natural Resources or to the timber companies who are
18 preparing plans and carrying out the operations?

19 A. Gladly.

20 Q. And so you think it would be a good
21 idea then if, as a routine matter, your people were
22 asked for that sort of information for that purpose?

23 A. That's right.

24 Q. And would that, in your view, be a
25 substantial improvement compared to what you understand

1 the situation to be at the present time?

2 A. Definitely.

3 Q. What happens to Prince's pine if
4 there's a forest fire?

5 A. The same thing as happens to the
6 forest, it burns.

7 Q. It disappears?

8 A. That's right.

9 Q. Now, you indicated that one of the
10 things you're doing on your reserve is you're trying to
11 save your maple groves, and you also said that you made
12 reference to a major tree planting contract; is that
13 correct, you have a major tree planting contract on the
14 reserve?

15 A. Not right now.

16 Q. You're planning one?

17 A. Hopefully.

18 Q. All right. And I think you said that
19 the purpose of that major tree planting project was not
20 to maximize the forest - that's what you said to Mr.
21 Zylberberg - but you said it was to save the forest.

22 Could you explain to me how you believe
23 the forest would be saved through a major tree planting
24 contract?

25 A. I'm just trying to think of an answer

1 here. First of all, I don't speak your language and it
2 takes me some time to think.

3 Well, first of all, I don't think any
4 people with any common sense would live in the middle
5 of a desert or devastated area, so trees are living
6 things just like everything else, so we like to
7 surround our -- that's our culture, being we're forest
8 people. So I don't believe I could survive, let's say,
9 in the middle of the Mojave Desert where there's no
10 trees or if there are any, very little.

11 I'm just expressing my own personal
12 opinion, my own feeling about forests. Even around my
13 own house I plant my own trees because I live in an
14 area that used to be a farm at one time, so in order to
15 surround myself with that part of nature I planted my
16 own trees.

17 Q. What kind of trees did you plant?

18 A. Cedars.

19 MR. FREIDIN: Those are my questions.

20 Thank you, sir.

21 MADAM CHAIR: Thank you very much. Did
22 you want to begin now with Mr. Trudeau's examination?

23 MR. ZYLBERBERG: Why don't we take five
24 minutes and I will do that.

25 MADAM CHAIR: All right. We will take a

1 five-minute break then.

2 ---Recess at 9:55 a.m.

3 ---On resuming at 10:10 a.m.

4 MADAM CHAIR: Mr. Zylberberg.

5 MR. ZYLBERBERG: Thank you, Madam Chair.

6 Mr. Trudeau, would you like to be
7 affirmed or swear or simply give your evidence without
8 being affirmed or sworn?

9 MR. TRUDEAU: Do you have a Bible?

10 MR. ZYLBERBERG: Yes, there is one.

11 MADAM CHAIR: He wishes to have his
12 evidence sworn.

13 MR. ZYLBERBERG: Yes.

14 WILLIAM TRUDEAU; Sworn.

15 DIRECT EXAMINATION BY MR. ZYLBERBERG:

16 Q. Mr. Trudeau, you're a resident of
17 Wikwemikong?

18 A. Yes.

19 Q. I understand you've lived in
20 Wikwemikong all your life?

21 A. Yes.

22 Q. And I also understand that it's been
23 a long life, you're in your 70s now?

24 A. Yeah.

25 Q. Odawa is your first language?

1 A. Mm-hmm, yeah.

2 Q. And we have asked Mr. Wakegijig to
3 sit with you in case you need any help in translating
4 our questions or translating your answers.

5 A. Mm-hmm.

6 Q. But you are comfortable in English
7 and able to understand most of what's being said?

8 A. I am not comfortable but I can give
9 it a try.

10 Q. I would like you to think back to
11 your youth and tell us about what cutting practices
12 were, logging practices were when you were young?

13 A. Well, I started very early when I was
14 a kid helping out my old man and I was about 10 years
15 old when I started. Of course, I didn't do very much
16 but I was still in it.

17 In those days we worked with what was
18 known as a cross-cut saw which was what, maybe about
19 six feet long and I'll never forget when we sawed the
20 tree down with both of us hanging on that cross-cut,
21 one -- my old man on one side and I was on the other,
22 and we did that for about two years, not every day of
23 the year, but most of the year.

24 But two years later a new saw came in
25 which was known as a Swede saw and those Swede saws

1 they were four feet long. At first, when they first
2 introduced those kind of saws there was just one
3 length, four feet long, now they have them about three
4 or four different lengths, you know, but they're the
5 same steel what they use.

6 Then we started to use the Swede saw.
7 Again when we first start using it we had a lot of
8 problems, we didn't know how to file it when it got
9 dull, and usually when you're working on maybe trees
10 that have a lot of branches your saw would get dull,
11 especially during the winter when the trees are frozen.

12 But finally we got some kind of a gadget
13 that people -- most of the people use, so we managed
14 how to -- we did have some problem but we managed, and
15 after a few years, say maybe about three years, then
16 you got to know how to file the Swede saw, and then
17 everything went well from there.

18 And in the summer of 1954 I worked for
19 the company that has a mill in this -- we work away
20 back up around the Ramsey area, and that was the time
21 when the people that were working there, they were
22 using horses, what you call horsepower, the horses
23 would pull the logs towards wherever you want them or
24 towards the lake, and the boles were left in the bush.
25 Those boles that were cut in there were about eight

1 feet long, but they were not very big mostly -- I don't
2 know what they call those kind of trees, they were
3 cutting jack pine.

4 And everybody that worked there worked
5 the same way, there was no heavy machinery at the time,
6 so we had to rely on the horses. And the following
7 year I went in there again and worked in the very same
8 camp and that was the year I noticed one chain saw, one
9 person has a chain saw, but there were maybe about
10 almost a hundred men in that camp but there was just
11 one person who had a chain saw at that time. That's
12 when -- I suppose there were chain saws earlier
13 somewhere else, you know, I don't know, but that was
14 the first time I ever saw one.

15 Then after the cutting was over that year
16 I didn't go back there again. On a drive they used to
17 bring the boat down to the mill by water on the Spanish
18 River. I didn't go back there, I had other things to
19 do, so I never went back there again.

20 And we get pretty much the same way -- we
21 work pretty much the same way in Wiki when we worked in
22 the bush, and when I worked with my Dad maybe about
23 three years or four years, that was after the Swede saw
24 came in, I thought I can do that myself without my old
25 man as I was getting bigger, getting a little bigger

1 every year, getting stronger.

2 So one time when we went to work and I
3 had a chance just to try what I can do, and my old man
4 was busy in some other area, and I go where we were
5 cutting the day before. So I watch him every day,
6 almost every day what he's doing. When he approaches
7 the tree, the one he's going to cut, he put a notch, a
8 notch on towards the stump, you know, the north part of
9 the tree and then he will start to cut that after he
10 makes the notch and that notch supposed to tell the
11 tree which way to fall. That's what it's there for.

12 Well, I did that, I notched the tree and
13 then I start to -- I went and got the saw and start to
14 cut the tree, and sure enough it didn't take very long
15 and the tree fell down to the ground.

16 I was happier -- very happy about that,
17 that was the first time I ever cut a tree down myself.
18 I had been cutting them for about three years already
19 but there was two of us, one hanging on the side of the
20 saw, each one of us. But alone I was very proud of
21 that.

22 So I just stood there for a little while
23 after the tree fell down looking at it and I heard
24 steps behind me, somebody was coming. So I turned
25 around and there was my old man coming up, and I told

1 him that -- although he can see what I did, you know,
2 but I told him anyway that I put the tree down myself.

3 He just walked by where I was standing,
4 you know, and he went closer to the tree and he looked
5 around and he says: Although you put the tree down
6 already, but the next time you want to put the tree
7 down you have to look around before you do that, before
8 you fell the tree. There are other little trees
9 standing over there all around just coming up, some of
10 them real short, some of them a little bit longer, and
11 some of them are even maybe about six inches in
12 diameter, try to save those little trees, try and pick
13 out a place where there's less trees that you're going
14 to hurt when the tree fells down to the ground.

15 And another thing, he says, supposing
16 there's a tree standing there, like maybe about six
17 inches around, don't cut that tree because if you cut
18 that tree you're not going to get very much out of it,
19 leave it there, he'll grow bigger and bigger every
20 year.

21 And from that day I started to work that
22 way in the bush. No matter where I worked, on the
23 mainland, on the island, on the reserve, or wherever
24 that's what I was told to do, I was taught to do, and I
25 kept that as long as I was able to work. I don't work

1 in the bush any more.

2 The reason I brought this up is just
3 about two years ago I thought about the things that we
4 used to do with my old man and what he told me is still
5 in my head. Then I said to myself, I should go back in
6 there where we were cutting at the time and have a look
7 around. So I went across the bay with a boat and
8 landed so I won't have to walk very far to get to that
9 area, and when I got there I was really surprised to
10 see what I saw.

11 The little trees that we saved, the
12 little trees about this size, although they're not all
13 the same size, you know, but there were trees. When I
14 got there I couldn't believe my eyes what I saw, trees
15 about this size (indicating) standing there all ready
16 in there for anybody to go in there and cut pulp in
17 that area.

18 That's barely -- that's between 40 and 50
19 years ago when we were saving those little trees.
20 These old guys they know what they were doing. I
21 didn't know it myself and I didn't never think about it
22 too much, you know, but from then on.

23 I didn't even know what time we were
24 there must have been maybe about 50 years, but it was
25 close, 47 -- 47 years to be exact. Then that remind me

1 of another thing about that old guy. I went to his
2 place one day and ask him why is it so important to try
3 and save those trees.

4 Well, he says, there will always be
5 people on the reserve and people will always need
6 trees, we need it for firewood or whatever, or making a
7 house or making something out of it, that's why people
8 should save those little trees, that's what he said.

9 So when I saw what's happening in other
10 places - not on the reserve, although we have some of
11 it on the reserve - since there's big machines took
12 over the forestry, the cutting, I've seen a lot of
13 those areas where they were doing the clearcutting,
14 what is known as clearcutting and, I mean, they're
15 really clearcutting too, no joke about it, there's no
16 trees standing there, that is a lie, except the dead
17 ones, the dry ones, they're still standing in some
18 areas.

19 That place where that clearcutting has
20 been done looks like a desert when you look. When you
21 stand there and look at that area you have a lot of
22 things to think about. The way you were brought up,
23 what you would do, what the old man had said, you know,
24 it all came back.

25 Now, why? Why does people do this what

1 you see out there? Not only the people suffer for
2 that. I know I talk to some people who have been
3 working trying to make a living in the forest cutting
4 pulp, and since those big machines move in these people
5 were chased out of the bush, so the machines can do
6 that what they have been working on.

7 And I see them sitting in the shade about
8 three years ago during the day, they haven't got
9 anything to do to earn a living. These were the people
10 that rely on the forest not too far back say maybe
11 about -- I don't know exactly when the clearcutting
12 started, I would say maybe not more than 20 years now,
13 and now where the clearcutting is in some areas, not
14 all of it you know, not everywhere, but some areas
15 there's nothing there.

16 I mean, they must have planted trees
17 there, but they're dried up. We've been told by the
18 media that whenever people go and plant trees anywhere,
19 a hundred years from now there will be lots of timber
20 standing there and they will be cut over again a
21 hundred years. You have to wait for a hundred years.

22 What about that method I was talking
23 about just a short time ago. Just try and save the
24 trees, the smaller ones. Harvest the big ones. I
25 haven't got anything against harvesting trees that are

1 big enough to harvest, but to destroy them, the little
2 ones, I hate to see that happen on account of if they
3 had done the same thing what we did on our reserve the
4 people had a chance to go in there twice in a hundred
5 years and harvest what is there.

6 Like the one I just mentioned, not quite
7 50 ago when the little trees were only about that big
8 and after cutting down the bigger ones, then you open
9 up the air for the smaller ones to get more sunshine
10 and the wind and they grew up a little bit faster. The
11 little trees at that time were well rooted.

12 So I think people will start to think
13 twice before they do something. It's all right in some
14 areas where people can use those big machines. Like,
15 it is almost the same thing with a timber jack. Timber
16 jack destroys a lot of young trees. Almost as much as
17 clearcutting, but not quite, but it's close, especially
18 during the winter when people are working in the bush
19 because everything is frozen during the winter.

20 The little trees are frozen, everything
21 is frozen and every time the timber jack goes in the
22 bush it breaks maybe about -- a timber jack is about
23 six feet wide and it will destroy that area wherever he
24 goes in the bush and coming back out in a different
25 direction. Hauling in poles that have been cut there,

1 he can cover that whole area in a very short time and
2 break everything what's standing there. That's what
3 the timber jack does and that is what's it's doing
4 right here on our reserve today.

5 I'd like to see at least we can do
6 something on our reserve to get rid of those. We don't
7 have that machine that is doing the clearcut. I don't
8 think anybody can afford it except the government. We
9 don't have that kind of machine on the reserve. The
10 timber jack, there may be four or five of them on the
11 reserve.

12 I'm not a chief of that reserve. I'm not
13 even a councillor for that reserve, but there's a lot
14 of things that should be looked into more closely than
15 what they're doing now. If this is going to keep on
16 going, in about another 15 years there won't be a tree
17 standing on our reserve. I don't mean the whole
18 island, but on the reserve.

19 So that's all I have to say about that.

20 Q. You were here when Ron Wakegijig was
21 talking about the plants that he uses and medicines
22 that he gathers?

23 A. Yes.

24 Q. Do you yourself have some knowledge
25 of those traditional medicines and plants?

1 A. I'm very proud to say that I have
2 some knowledge of that traditional medicine, I might
3 call it. There's a lot of things behind that.

4 I know there is a lot of white people
5 that would like to know what kind of medicine we have,
6 how we prepare it, you know, and things like that and
7 people start to ask for that, you know, although some
8 people agree that it would be nice or good to let the
9 people know, the white people know what kind of
10 medicine is good for this and good for that, you know.

11 Every year we have a conference, what is
12 known as the Elders Conference. The OCF is looking
13 after that every year. We have that for about four or
14 five days and people gather there from pretty well all
15 over here in Canada - I mean the Indian people - and
16 they meet each other and they talk and talk all day.

17 By noon they quit for maybe about an hour
18 for dinner, then they can maybe at again six in the
19 evening and again eight or nine or just before dark,
20 they will have a light lunch. These are the meetings,
21 gatherings that's creating a lot of -- I don't know
22 what to call it, but it's creating a lot of good things
23 for the Indian people because they're teaching one
24 another what they know.

25 I happened to hear a guy say there one

1 time - this is about two years ago - that it would be
2 really nice if we can tell the people about the
3 medicine. I mean, the white people, to tell the white
4 people about the Indian medicine. At least that's what
5 he was saying and I told him that -- I got up after he
6 made a speech and I told him that I don't think it's
7 not good to do that because every time a white person
8 has some kind of a disease, something new, they
9 couldn't take care of that right away because they
10 haven't got the right medicine for that because it's
11 new. It's just coming in. So they don't know how to
12 treat it.

13 A lot of times it takes years to develop
14 the right medicine for that particular disease. Even
15 then if they come up with the right -- if they think -
16 the ones that are looking at that medicine - they have
17 got the right medicine, even if they do that in 20
18 years they just wouldn't release that medicine for the
19 people, for the public, you know, to use right away
20 because -- I don't know why, but they have to hang onto
21 it for about 10 years. When you put that altogether
22 it's 30 years, more than 30 years.

23 But to go and tell a white person you do
24 this and that just because, they say: Oh you are an
25 Indian, you don't know nothing. I think you're going

1 to get a lot -- I told him you better not do that
2 anymore or else you're going to be in a lot of trouble
3 if something should happen to that particular guy you
4 gave the medicine to. So that was the end of that. I
5 stopped there that right there.

6 There are diseases that the doctor
7 couldn't look after. People, once they start to see
8 the doctor, that's where the mistake comes in, when you
9 go and see a doctor. At least that's what I think.
10 The doctor will tell you when you go and see him, he
11 will tell you: You come back two weeks from now. You
12 come back again, when two weeks is up you go there and
13 he will tell you the same thing: You come back here in
14 about a month, maybe a week later. Once you start that
15 you're going to do that for the rest of your life and
16 yet you might not have to go there, but you're going
17 anyway.

18 I was in that position myself and when I
19 realized that we have our own medicine, the herbs and
20 the barks and the trees, you know, I decided to use
21 that. 35 years ago I started that and up to this day I
22 never see a doctor. I don't feel well now and then,
23 you know, but sometimes it's bad enough to run to the
24 doctor and tell him I'm sick here. He will tell me
25 what happened or give me some medicine. No, I don't do

1 that.

2 I use my own medicine. I keep it right
3 in the house and brew up some tea and drink that stuff
4 for maybe a couple of days and jump around like a jack
5 rabbit in two or three days.

6 I think the only reason why people is
7 kind of reluctant to use that is because -- I don't
8 know whether they don't believe what it can do, but now
9 we have some light about that. Young people are
10 beginning to get more interested in it and we're trying
11 to do our very best to help them, to teach them.

12 Sometime during the summer, this coming
13 summer, we're going to take a movie camera out in the
14 bush and I don't know whoever will do that. We want to
15 have a guy in there taking the herb out, how it's done,
16 the name of the herb and what it's good for. We're
17 going to do that. It might take us all summer to do
18 that because there's a lot of herbs to be looked at,
19 you know. I think if we ever -- if people accept that,
20 I think it's going to be really something for the
21 people because I know for a fact it's working. I
22 wouldn't want to brag how good it is in some areas, but
23 I will keep that to myself.

24 Q. Mr. Trudeau, if you were asked what
25 you think should be done differently for timber

1 management what would you say?

2 A. I know it's a stupid answer what I'm
3 going to say. I think it would be a lot better if the
4 people would go back to the old way of working in the
5 bush, logging, you know, and cutting pulp and things
6 like that. Go back to the horses instead of those
7 high-powered machinery in the bush because they're
8 destroying so many young trees that would have grown up
9 into bigger trees. That's the only thing I can say
10 about it.

11 Q. Before other people ask you
12 questions, is there anything else you would like to say
13 to them because you have answered all my questions.

14 A. No.

15 MR. ZYLBERBERG: Madam Chair.

16 MADAM CHAIR: Thank you, Mr. Trudeau. I
17 will ask if anyone else has questions for you.

18 Ms. Gillespie?

19 MS. GILLESPIE: I have no questions.

20 MADAM CHAIR: Mr. Freidin?

21 MR. FREIDIN: I don't have any questions.

22 Thank you.

23 MADAM CHAIR: Thank you very much, Mr.
24 Trudeau. We don't have any more questions, but we
25 thank you very much for coming here today and talking

1 to us.

2 THE WITNESS: Thank you for having me
3 here.

4 MR. ZYLBERBERG: Madam Chair, my next
5 witness is a little late. I do have one who is here
6 earlier than expected, but I wouldn't mind a couple of
7 minutes to just speak to him. I was going to speak to
8 him over lunch.

9 MADAM CHAIR: What are you suggesting,
10 Mr. Zylberberg?

11 MR. ZYLBERBERG: Ms. Shawana isn't here.

12 Mr. Wilson, who was scheduled for later
13 on today, is and if I could spent a couple of minutes
14 speaking to him that I would have done later on in the
15 day I could call him so we didn't find ourselves
16 waiting.

17 MADAM CHAIR: That's fine. Do you want
18 to come back at eleven, Mr. Zylberberg?

19 MR. ZYLBERBERG: Sure.

20 MADAM CHAIR: Okay.

21 ---Recess at 10:45 a.m.

22 ---On resuming at 11:05 a.m.

23 MADAM CHAIR: Good morning.

24 THE WITNESS: Good morning.

25 MADAM CHAIR: Mr. Zylberberg?

1 MR. ZYLBERBERG: Yes, ma'am. This is Mr.
2 Hap Wilson. Wish to call him as our next witness.

3 HAP WILSON; Sworn.

4 DIRECT EXAMINATION BY MR. ZYLBERBERG:

5 Q. Mr. Wilson, you live in the Temagami
6 area?

7 A. That's my permanent residence, yes,
8 it is.

9 Q. How long have you lived in Temagami?

10 A. It will be about 15 years. That's
11 permanently. I travelled in Temagami for approximately
12 half a year each season since 1970.

13 Q. And I understand that you have been
14 involved different times in - I think the phrase is
15 venture tourism - in venture tourism in Temagami?

16 A. That's a newer term. Venture
17 tourism, yes.

18 Q. How long has that been part of your
19 life?

20 A. Professionally as an operator eight
21 years, although I was very actively involved in the
22 venture tourism industry seven years prior to that as
23 an employee of the Ministry of Natural Resources.

24 Q. I have been provided with a book that
25 it seems you wrote which is a Guide to Temagami Canoe

1 Routes. It has your name on it. Is it indeed a guide
2 you put together?

3 A. That's correct. Although I have the
4 publishing rights to it now, I was contracted by the
5 MNR in 1976 to compile, explore and compile the
6 information for the Ontario government or the Temagami
7 District because of certain problems and lack of
8 information in the area.

9 MR. ZYLBERBERG: I wonder if this could
10 be entered as Exhibit 2183.

11 MADAM CHAIR: All right. This is a
12 publication authored by Mr. Wilson. The title is
13 Temagami Canoe Routes and the date of publication is --
14 it was first printed in 1978. This will become Exhibit
15 2183. It is 144 pages in length.

16 ---EXHIBIT NO. 2183: Book entitled Temagami Canoe
17 Routes authored by Mr. Wilson,
dated 1978.

18 MR. ZYLBERBERG: Q. Back as long ago as
19 when you first did those maps, that work for the
20 Ministry, were the waterways in the Temagami area being
21 marketed as a wilderness experience particularly to
22 urban people who produce the wilderness?

23 A. Prior to the book publication what
24 the government actually advertised was the waterway
25 park. That was Lady Evelyn Waterway Park at the time.

1 It was just a river guide in Xerox form.

2 They had some information which was
3 scanty and was based on a lot of aerial photography and
4 it was very inaccurate. Portages often turned into
5 falls from the ground was the experience of some of the
6 canoeists. So the information was very scanty and
7 probably the best term I can use was inaccurate and
8 dangerous to the public.

9 The influx of people coming to the
10 district looking for a better wilderness experience,
11 people coming from Quetico, Killarney and Algonquin,
12 was one of the reason why I was contracted to map out
13 and expand the information and put it in a book form.

14 Q. Have you more recently put together
15 some material criticizing the ability of the natural
16 environment in the Temagami area to support non-impact
17 or low impact tourism?

18 A. Well, I have worked on several
19 studies as an employee of the MNR. Part of my field
20 duties after the publication of the book -- I was
21 contracted as the Crown land maintenance foreman for
22 the entire district and part of my duties was to sort
23 of critically analyze the problems inherent with
24 timbering infractions, overuse, et cetera.

25 I carried that into my own private

1 business because of lack of information that any
2 government bureau had and, yes, I had two studies done
3 in my own business. I am a consultant, a private
4 consultant for the venture tourism industry.

5 The one study showed the economic value
6 of the canoeing industry which was considered invisible
7 and an unimportant industry through my tenure as a
8 Ministry employee and, of course, the one that you have
9 there. It was mostly a comparison between the two
10 types of tourist industries; an extractive type,
11 traditional industry, as compared to the non-extractive
12 or venture industry.

13 Q. What you are referring to is a short
14 analysis - I must confess to other parties I don't have
15 copies for them. They can work from mine if they
16 wish - that reads Temagami District Tourism and
17 Critical Analysis. It was compiled by Northern
18 Concepts 1988 under your name. Is that a fair
19 description?

20 A. Mm-hmm.

21 MR. ZYLBERBERG: Could this perhaps be
22 the next exhibit. I lose track of numbers when they
23 are that high.

24 MADAM CHAIR: Exhibit 2184 will be a
25 Critical Analysis of the Temagami District Tourism

1 compiled by Northern Concepts 1988 identifying Hap
2 Wilson, and we have five pages of material in this
3 exhibit.

4 ---EXHIBIT NO. 2184: Five-page publication entitled
5 Critical Analysis of the Temagami
6 District Tourism compiled by
7 Northern Concepts 1988,
8 authored by Hap Wilson.

9 MR. ZYLBERBERG: Q. What's the
10 difference, Mr. Wilson, between the type of tourism
11 that you are consultant to and other forms of tourism?

12 A. It's fairly distinct if you look at
13 the reasons why people are utilizing that type of
14 recreational activity. It is what we classify as
15 traditional or family-based, which is so often the
16 case, and extractive.

17 Extractive means you remove something
18 which would include hunting, fishing, high impact
19 fishing, hunting, which also includes high impact,
20 mechanized types of recreation as opposed to hiking,
21 skiing, canoeing. Anything having to do -- that is
22 self-powered is what we term as venture or
23 self-propelled recreation. There is quite a
24 distinction to what people are looking for in that type
25 of experience.

Q. I was going to ask you that question

1 next. What is the difference that people are looking
2 for?

3 A. It is the type of experience. For
4 example, obviously extractive-based tourism is looking
5 for quality of game, fish, what they can take back with
6 them or people's trophies or whatever. The primary, I
7 suppose, attraction for the venture tourist people is
8 the quality of the wilderness experience.

9 Q. Can you tell us in some detail how
10 that experience has been affected since you have been
11 involved in the industry by logging practices and by
12 timber management practices?

13 A. I would have to go back I guess prior
14 to my working in various capacities with the
15 government. It would be prior to 1976. I travelled
16 extensively throughout the district and at that time I
17 was happy with what I found. It did provide a good
18 experience at that time. The heavy industry had not
19 encroached upon the more sensitive areas that were
20 conducive to venture tourism.

21 In the middle part of that decade through
22 the mid 70s to the latter part of the 70s it was more
23 noticeable in many of the areas that I was maintaining
24 for the government, for the people that used the area
25 that the number of infractions were increasing, the

1 pressure to get into deeper areas. As they logged
2 closer to what we term sensitive visible areas from
3 different waterbodies with lack of site line viewing or
4 with no shoreline reserve, it was a detriment to that
5 industry.

6 We had a market increase of complaints by
7 people noticing clearcuts, portage damage by blowdowns
8 from nearby clearcuts. Just mostly visual complaints.
9 Of course, what came along with that was the increase
10 in access into remote areas that were once only
11 approachable by a number of portages. Now we have in
12 many cases up to a dozen Winebagos parked at sensitive
13 areas; for example, the Lady Evelyn River which was
14 already a park system.

15 Q. Now, the Winebagos let people get
16 there who may not be fit to canoe?

17 A. No. They found new access through
18 various logging roads, not just the Lady Evelyn River,
19 but as the roads increased so did the mechanized sport
20 people looking for a particular easy recreational
21 activity, where canoeing was seldom a part of it, where
22 they could create a landing, move in, create a camping
23 area and basically create a staging area for their type
24 of recreation.

25 I would just like to continue on. I

1 guess that's been part of my duty. When I left the
2 Ministry and started working as a private operator in
3 the venture tourist industry part of my job, I took it
4 upon myself, was to keep track of the increased access,
5 the increased problems related to logging and road
6 building.

7 It became a major issue with regards to
8 trying to market that wilderness experience that was
9 deteriorating at a very fast pace and it became harder
10 to sell the same size of wilderness experience that we
11 had when we published the book in 1978.

12 And it was my indication that when I was
13 an employee of the Ministry, and certainly afterwards,
14 is that the government, with the direction of funds
15 being put mostly into park systems and not within the
16 Crown land area outside park systems, and that is where
17 we found most of the problems specifically in the
18 Temagami district and there was no focussing on those
19 increased problems even today.

20 Q. The venture tourist operators, has
21 their viability been affected by deterioration in the
22 wilderness?

23 A. Yeah, I have to agree with that. I
24 had to become quite clever in marketing my own business
25 in the fact that we were losing entire canoe routes

1 because of lack of quality experience and that was due
2 to logging, you know, improper logging, clearcutting,
3 unattractive areas, increased access.

4 So I had to divert my own client market
5 to different areas that sometimes were too remote, too
6 expensive for them to enjoy or to afford and, it
7 certainly had an effect that we had to market harder,
8 we had to spend a lot of our time in trying to protect
9 the integrity of that experience.

10 That is one problem that I had in even
11 maintaining. I lost my business basically to the fact
12 that I had to spend 50 to 60 per cent of my time
13 writing letters to district offices, going to public
14 meetings that took my time away from running my
15 business.

16 Yes, it had a serious detriment in the
17 fact that I created a business that was one of the
18 largest outfitting companies in Ontario which, because
19 of the inherent problems that we're facing, took me
20 away from running that business and I eventually lost
21 it, it went into receivership because of the
22 environmental problems.

23 Q. Were you alone in that or was that
24 the experience of other operators?

25 A. The smaller operators, I don't think

1 they had the problems because they were established at
2 an earlier date than I was and the fact that because of
3 my front-line attitude, you could say, I was a target
4 for a lot of prejudice in the local area. I had to
5 move my business from Temagami because of my
6 environmental views, it was a very expensive move for
7 me to move my whole business outside town and with the
8 prejudice with the contractors, et cetera, at the time
9 in 1989 it was very hard to find somebody who I could
10 trust in looking after, you know, my specific needs and
11 expanding my business and getting a fair shake when it
12 came to building my new facility and I ran into
13 problems of overruns, et cetera.

14 This was all, you know, based on my
15 environmental views in trying to protect the venture
16 tourist industry at the time.

17 Q. Are shoreline reserves adequate to
18 protect - I put quotes around the wilderness
19 experience - the wilderness experience for people
20 looking for them?

21 A. Yes, they are and I could use
22 Algonquin Park as a good -- as a prime example, the
23 only difference is that we allow clients into many
24 areas. Of course, people get an impression when they
25 fly over an area, of course, on the water that a

1 skyline reserve would protect that experience. It's a
2 bit of a charade that we play, but if people don't see,
3 you know, a shoreline with stumps, then they don't
4 really think about it.

5 I know when I worked for the Ministry in
6 the late '70s I compiled a map, I was working with the
7 district planner at the time and we put together a map
8 on shoreline reserves on the entire Temagami district
9 and we discussed at length the importance of skyline
10 reserves to the protection of an industry as early
11 as -- well, the mid-1970s I brought it to the attention
12 of my superiors and I was contracted and paid to
13 compile this map which is now lost. We tried to
14 retrace that, refine that map for evidence when I was
15 sitting with the Daniel Committee three years ago, it
16 was nowhere to be found, but it was noted an important
17 problem that the Ministry was well aware of at that
18 time.

19 Q. When roads are built, when logging
20 roads are built has it been your experience that there
21 are attendant effects of the motorized access that that
22 creates?

23 A. You also have to look at it -- I
24 would like just to mention that when I was working in
25 the parks branch with the MNR I also had fairly close

1 tabs as to the timber operations because it had an
2 effect on -- a serious effect on my job trying to
3 protect that experience for the people.

4 So I would, discussing, you know, how
5 these plans -- these timber plans are accepted by the
6 government, and my supervisor told me, he just laughed
7 and told me that: Well, basically the companies write
8 their own plans. I mean, what we get and what happens
9 in the field is totally different.

10 So it was hard for me as an employee. We
11 took the plans at face value when we received them and
12 then we just had to wait until we found infractions.
13 When I came across one in my patrol as a ranger or we
14 got information back from the public as to maybe a road
15 that was diverted - and there are several examples in
16 my statement of infractions, for example, bridges built
17 without permission, areas cut without permission, and
18 these would show up at a later date.

19 Usually, most often by tourists coming in
20 and complaining about maybe debris coming down the
21 river or something that wasn't there the year before,
22 and this was carried on, you know, after my tenure with
23 the Ministry.

24 MR. MARTEL: I would like to ask you a
25 question, Mr. Wilson. What's been your experience

1 regarding the plans since the introduction of the FMA
2 let's say pre-1980 and after 1980 so speaking, you're
3 talking about things that occurred quite some years
4 ago, I understand.

5 Has there been a change - and I guess
6 that is what we as a Board are looking for - in your
7 opinion, do the plans carry a lot more weight today
8 than what you indicated was described to you by a
9 superior some years ago?

10 In fact, are the plans that are now being
11 adopted and approved, do we see that sort of infraction
12 occurring as frequently?

13 THE WITNESS: Okay. I was referring to
14 the early 1980s when I terminated my job with the MNR
15 that was about 1982.

16 MR. MARTEL: But you've seen plans since
17 then, Mr. Wilson.

18 THE WITNESS: I've seen plans since then,
19 and in some respects I'm happy in the fact that they
20 are now getting -- they have recognized canoeing as a
21 major industry for one thing, although they seem still
22 to disregard -- in one respect we are looking at
23 logging only but not the other problems associated with
24 it.

25 As far as access goes, it's one of the

1 things that I still see looking -- although they've
2 improved I think the rapport with the other user groups
3 there's still problems that seem to be increasing and
4 this is what I know concerned my industry and, like,
5 the venture tourist industry as a whole, was the fact
6 that these issues are still not being, I suppose,
7 looked at in the capacity that it should.

8 MR. MARTEL: Would your direct
9 involvement, let's say, as one of the stakeholders on
10 one of the committees planning or your industry per se,
11 as, you know, the types of plans that are being
12 developed and what's called for is a local citizens
13 committee, with that direct participation right even
14 before a plan starts, would that go a long way to
15 alleviating some of the fears that you have?

16 THE WITNESS: Yes. I would just like to
17 mention that before the stewardship committees were
18 chosen I talked to Mr. Donkavor down in Queen's Park
19 quite extensively about trying to get the Ministry to
20 acknowledge the differences between the two strategies.

21 He very happily told me that: Well, we
22 can only pick one person to represent all of the
23 tourist industry.

24 I said: You can't do that because you've
25 got high impact tourism who directly require more

1 access, for example the bear hunting, moose hunting, I
2 guess, to allow increase, or at least to stabilize
3 their own economy whereas the increased access, et
4 cetera, is a detriment to the venture tourist industry
5 and you have to look at, I guess, the aesthetic reasons
6 why there's differences between the two industries.

7 MR. MARTEL: Well, there's a third type
8 of industry because we're getting another. We've heard
9 lots of evidence at this hearing about the outpost or
10 the remote tourist operator as opposed to those who
11 have and want access directly to, and there's a real
12 conflict of whether you leave access open or not or you
13 close it.

14 So that there is in fact, I would
15 suspect, a third type of tourist operator even though
16 he has the same -- offers the same plans, maybe there's
17 a group of those people who don't want access either.

18 THE WITNESS: Yeah. I am quite familiar
19 with them because I worked with, of course, three
20 different air services in my own business and I know
21 Marg Watson from Sudbury Aviation had quite serious
22 problems with access to remote camps.

23 We still classify them as extractive
24 because it's basically fishing, hunting oriented plus
25 the use of the aircraft directly in and out and I am

1 well aware of the problems.

2 Although we did have -- I would say prior
3 to about 1985 we had a lot of problems with the fly-in
4 operators with the garbage and taking over a lot of
5 major camp sites. They have come a long way with
6 becoming more respectful as operators in that respect
7 and I know working with Marg Watson fairly closely we
8 did sympathize with her because she did run a good
9 operation and we could see the problems that she was
10 having with, in particular, new roads up to the Scotia
11 Lake for example.

12 MR. ZYLBERBERG: Q. Before I get back to
13 the questions, the area that concerns you is that an
14 area in which there are FMAs?

15 A. The area that concerns me?

16 Q. Yes, the forest area that you know
17 best, is that an area where FMAs have existed?

18 A. Well, the area that -- I guess my
19 expertise lies within four administrative districts, so
20 that would be specifically Temagami, North Bay,
21 Kirkland Lake, Sudbury districts, basically what is
22 outlined in that book would focus on the area that I'm
23 familiar with.

24 MR. MARTEL: Yes. These are Crown
25 management units primarily though--

1 THE WITNESS: Yes.

2 MR. MARTEL: --in the Temagami area.

3 MR. MARTEL: Crown management units.

4 Anyway there's an official plan there?

5 THE WITNESS: In our industry we never
6 associated I guess the health and welfare of the
7 environment and that quality experience to political or
8 administrative boundaries, we went to watersheds, et
9 cetera. So it's kind of difficult, especially managing
10 a type that was outside one district. We had an
11 intense problem in managing that whole system because
12 the other districts were not cooperative as far as
13 putting the required amount of funding in.

14 MR. ZYLBERBERG: Q. Can you perhaps
15 provide some detail and flush out what you said about
16 road access and how that changes the wilderness,
17 changes the forest in ways other than simply having
18 trees extracted?

19 A. Yeah. It's one of the major problems
20 with this industry, people go in and they expect to
21 have a particular experience. We sell the Lady Evelyn
22 Wilderness Park as a wilderness park.

23 As a tour operator I can give specific
24 examples of taking groups of people down to Lady Evelyn
25 River and paddling along a very sensitive waterway that

1 the government itself was -- after studies, showed that
2 the motor boat traffic should have been eliminated on
3 the Upper Lady Evelyn River, for example, the gate
4 moved north, this was Kirkland Lake, south to Temagami
5 in the late 70s I believe.

6 You take groups of photographers, people
7 seeking the wilderness experience and they have to
8 compete with motor boats, Winnebagos and associated
9 garbage that always floated down from these access
10 points, this is within a wilderness park, and it goes
11 on even today.

12 And other examples. I remember I had a
13 group of European photographers on Anvil Lake which was
14 in August within the time frame that the government
15 likes to seek -- this is in July and August, and this
16 was in the wilderness park, and I had gone out scouting
17 for tracks that we could go and study, take some
18 photoes of.

19 I came back from the beach - this is
20 about a half mile of sandy beach on Anvil Lake - I came
21 back to collect my people and we heard ATVs coming in,
22 there was two of them, they were rigged with the
23 carriers for boats and they were quite irate in the
24 fact that we had their camp site.

25 So they proceeded for two days to go up

1 and down the beach and I had to somehow pass by my
2 customers saying: Well, you know, this is a wilderness
3 park but we are still in a management process and, yes
4 hopefully, something will be done about it.

5 You know, it did nothing to alleviate
6 these problems. These people spent thousands to come
7 to Canada, to come to Ontario, to come to Temagami
8 because of its reputation and have to put up with two
9 days of putting up with watching ATVs in a wilderness
10 park running up and down a sensitive beach.

11 And there is complaints that I put in
12 every year and I got the same answers back, I have to
13 wait until the master plan was formulated and the ATVs
14 continue to use the area.

15 The problem with this - I would just like
16 to finish - is that the local user groups, the local
17 angler and hunting groups have now established these
18 points of access as what they term traditional access
19 points and they have a huge support by their fraternity
20 of support groups, the Federation of Anglers & Hunters,
21 for example.

22 And it's hard, in a local issue, to fight
23 against the fact that it's people coming from outside
24 the local area who are affected by the sensitivity of
25 problems with regards to increased access, garbage,

1 lack of monitoring, depletion of stock which has been
2 happening in many of the lake systems in the district.

3 Q. In your statement you make reference
4 to the bureaucratic triangle and its inversion. Can
5 you talk to that perhaps?

6 A. Yes. This was a term that was given
7 to me by one of the MNR pilots in Sudbury who had been
8 flying for years and years and he explained that one
9 time I guess the big problem with the government and
10 the poor rapport that they had was due to the inversion
11 of the bureaucratic triangle. Up until -- even in
12 talking with the people that I was familiar with in my
13 own job, and they agreed that at one time there were
14 more people in the field collecting field data who had
15 a good rapport with the various user groups, that
16 information being fed to the few people that were in
17 the office writing reports, that way you get good
18 information going to head office.

19 In the mid -- early to mid-70s there was
20 a drastic change in this triangle, this I guess
21 government political strata, whatever you want to call
22 it, very few people had field positions besides maybe
23 inexperienced summer staff, casual people, in
24 particular the conservation officers who didn't get out
25 in the field as deeply or as far because of access

1 problems.

2 It took half a day to get to the far end
3 of the district, by the time they got there they had
4 lunch and they came back. Places they didn't want to
5 go, for example, the River Valley area was very abusive
6 to the gate systems, abusive to Ministry employees, in
7 particular, conservation officers and my supervisors
8 were afraid to go into that area.

9 And so we have very few people in the
10 field and too many people writing reports in the
11 office. That's basically my interpretation of what I
12 was told by the Ministry itself about the bureaucratic
13 triangle.

14 Q. Well, of what importance is it to
15 conservation values if the bureaucratic triangle is in
16 tact or inverted?

17 A. Well, lack of monitoring, lack of
18 professional people in the field. Obviously what I saw
19 when I left the Ministry, I was one of the -- I was
20 almost the only person who was feeding information back
21 to my supervisors about the problems and most of the
22 time it fell on deaf ears because venture tourism was
23 not a priority and most of the areas where the problems
24 were were outside park systems so they weren't really
25 worried about it.

1 This problem became actually increased.

2 The year that the government proclaimed Temagami as a
3 model management district was the same year that they
4 cut the budget completely for Crown land canoe route
5 maintenance. That was a real detriment to our industry
6 because we had intense problems with the garbage from
7 mostly what we call multiple use areas, that's where we
8 have a mixture of motor boat, campers, fly-in
9 operators, of course canoeists and, in my experience as
10 a maintenance foreman, we had dealt with the garbage
11 problem very successfully with the canoe or venture
12 people, but the government failed to deal with the
13 angling and hunting problems of fly-in operators, so we
14 still had that problem. So we had very increased
15 problems with the site garbage problems.

16 Q. Have you observed changes in the
17 Ministry's attitude towards stewardship of the
18 wilderness?

19 A. Only the fact that there's been
20 certainly more groups formed, more public committees, a
21 lot more rapport between certainly user groups, I guess
22 outside of the field.

23 My concern was the fact that nothing's
24 been done, basically nothing has been done to even
25 acknowledge the intensity of the problem with the

1 increased access and illegal access being built by
2 local hunting and angling groups.

3 And, no, I have to say that there's been
4 quite a failure as far as any kind of alleviation of
5 any of the problems related to that major issue. We've
6 been dealing with it in a controlled atmosphere outside
7 of where the real problem is and we still have to wait
8 for -- I guess, in our point of view, the system moves
9 too slowly to have an effect on problems that have
10 increased.

11 Q. What changes would you propose in the
12 timber management planning process that would protect
13 your industry better?

14 A. Well, we made a reference. When I
15 sat on the Daniel Committee --

16 MR. FREIDIN: On what committee?

17 THE WITNESS: Daniel, would you call it
18 the Temagami area working group.

19 MR. FREIDIN: Okay.

20 THE WITNESS: The original.

21 The suggestion was made to have
22 monitoring posts at all major access roads and this
23 would be a reasonably interruptible expensive way to
24 control access, to monitor access, to close off a lot
25 of the tertiary roads, to have legislation like they

1 have in some other provinces I think, Saskatchewan or
2 Manitoba and I think Newfoundland and Nova Scotia, they
3 have legislation dealing with the use of all-terrain
4 vehicles.

5 Their gate system, the gate system does
6 not work and will not work. I can give many, many
7 examples as to why, right up to the present situation.

8 MR. ZYLBERBERG: Q. Please don't give
9 many, many, but give a couple.

10 A. One is, for example, the Red Squirrel
11 Road extension. We have photographs and sites at the
12 Wakamiki River, for example, Wakamiki Lake is now
13 accessed by all-terrain vehicle, and that was one of
14 the most sensitive and beautiful canoe routes that was
15 accessible easily by our industry and now we have to
16 put up with a new -- I guess we have to share that now
17 with a different type of group that was not conducive
18 to certainly that supreme wilderness experience that we
19 always enjoyed at that location.

20 But certainly the gate system would be
21 one way to approach the control of access, and we saw
22 nothing to that effect. After the committee was
23 disbanded, it seemed like that subject was shelved.

24 MR. MARTEL: With all-terrain vehicles,
25 can the gate system work unless you have a body

1 actually there?

2 THE WITNESS: No, that's what I
3 mentioned, I said it won't work unless --

4 MR. MARTEL: I thought you just said you
5 recommended it though?

6 THE WITNESS: Well, what I would
7 recommend is at each primary access road is to have a
8 gated system and monitoring each person that goes in
9 and completely closing down the unnecessary tertiary
10 roads or making it -- taking out bridges, scarifying
11 sections of road to deter or make it, or bring about
12 legislation controlling the use of ATVs in -- off
13 primary road systems.

14 Gate systems will not work unless they
15 are built in such a way that ATVs cannot go around
16 them. It's pretty hard hard because they can take a
17 chain saw and in a matter of, you know, 15 minutes and
18 cut a trail.

19 MR. MARTEL: They can get around just
20 about everything.

21 THE WITNESS: Yeah, and they pull boats,
22 they can carry -- the size of machines now make it very
23 easy to pull in camping trailers, large motor boats and
24 we are seeing that more and more.

25 And I believe I came up with a list of

1 about 22 illegally or unauthorized roads that were
2 built in from logging areas that had been recently
3 logged, and I know from one of the logging companies we
4 were very worried about tends to build his roads
5 adjacent or very close to roads in which his community
6 uses as fishing and hunting areas, and each of these
7 systems now has a road into it and I'm talking about
8 the 805 corridor up to Obabika Lake, that's one
9 example.

10 MR. ZYLBERBERG: Q. Part of what this
11 Board is going to do is to recommend changes to how
12 timber management plans are set up, how these land
13 areas are managed, and so the idea obviously is that
14 there will be plans that a lot of people have worked
15 together to put together.

16 Your experience both in the Ministry and
17 outside the Ministry is what's in the plan always what
18 ends up happening. Is there a divergence between the
19 plans the people have put together and the reality on
20 the ground?

21 A. Well, it's like the logging companies
22 putting in their own, you know, basically changing
23 what's in the field once they get there. I think we
24 have seen a lot of plans, a lot of plans changed.

25 I don't know. I guess I have little

1 faith in the system because I haven't seen any attempt
2 made at really addressing the issues at hand except by
3 formulation of committees talking about it and
4 publicly, yet the problem still exists and goes on.
5 Plans are only good, you know, if they're implemented
6 I think in due haste as we need it.

7 Q. What type of monitoring would you
8 recommend once a plan that has everybody's approval is
9 put together to make sure that it's what happens?

10 A. I think it's going to be -- it's
11 going to be very hard to monitor traffic, especially in
12 remote areas unless we have legislation controlling use
13 of ATVs in remote areas. That's something I think --
14 it's definitely required, definitely required because
15 the gate systems won't keep that recreation group out
16 and we're looking at a growing problem when you're
17 dealing with communities that are antagonistic towards
18 the government and the legal system when they say that
19 they'll build roads faster than we take them out, and
20 I'm referring to the River Valley, Sturgeon Falls area.

21 This is something that the longer that we
22 don't address the problem, the harder it is going to be
23 to solve it down the road.

24 Q. Now, I assume that you've dealt with
25 Ministry staff for -- well now two or three decades and

1 have probably met all the ministry staff there are in
2 this area and you're from the Temagami area?

3 A. Well, I look at -- you know, I dealt
4 with half a dozen district managers in the span of
5 about less than 10 years. No, it would be less than
6 six or eight years in Temagami itself.

7 Q. Is there a change that you see in the
8 attitude of Ministry staff?

9 A. Well, it's hard dealing with the
10 problems at hand because every time you get to know
11 somebody they're gone into another district or a
12 different level of government and it's hard. It's an
13 education process I think in getting our problems
14 across to the various people working as unit foresters.

15 For example, it's hard dealing with such
16 a changeable or I guess sort of transient Ministry
17 because people are forever changing and then somebody
18 new comes in, we have to start over again with the
19 whole process of trying to get your views across.

20 And I've seen a slight difference in the
21 type of people they're bringing in, which is good to
22 see. I know we had a lot of problems with the unit
23 foresters in the fact they were making decisions in the
24 field that would affect the venture tourist industry
25 for decades. They had quite a lot of power that they

1 wielded and a lot of pressure to supply the companies
2 with the adequate amount of timber and we found that
3 these people did not have the expertise in
4 environmental studies, in acknowledging the importance
5 of the economics of aesthetics in our industry, and it
6 was hard, you can't teach somebody to be sensitive,
7 it's impossible.

8 We look at it -- from our point of view
9 we look at the problems in a philosophical, emotional
10 sense. They look at it as a dollar value or a stump
11 value. It is hard for us to get across that sort of
12 spiritual value that we see with the land and it is
13 something that you can't teach a government person.

14 I won't -- that's a general statement. I
15 mean, some people will certainly pick it up, but in my
16 past experience with the government it has been very
17 difficult to get that across to people who are not
18 directly related to that type of an experience.

19 Q. You started out by saying you have
20 seen some difference. Has there been a difference in
21 the people that have been doing the unit forestry work?

22 A. Yes, the only difference is the fact
23 that they don't make decisions without us knowing now.
24 That's the only difference. We were talking with some
25 of them and it is quite obvious that they have had some

1 background in the problems and are at least working
2 towards building up that rapport with people.

3 I think one of the problems that I still
4 come across in my own business is especially with the
5 front people, the people working in the front I guess
6 who are dealing with the public, as public liaison with
7 the Ministry are still I term dinosaurs who have a lot
8 of old ideas and it almost seems like a brainwashing
9 pattern with a lot of the new people coming into the
10 district office, for example, or in dealing with my own
11 groups that I have sent to the Ministry for a certain
12 type of education as to the Ministry's views as to
13 what's happening in the district.

14 Although, without mentioning names, all I
15 can say is that it has been a problem in getting new,
16 fresh ideas across to people who still work within the
17 Ministry and people outside who I have dealt with, for
18 example, school groups. A lot of the old ideas are
19 still alive and they seem to trickle into their way of
20 thinking.

21 Q. Before I invite the chair to see if
22 there are other questions, is there anything else you
23 would like to say to the Board yourself?

24 A. I think I've covered most of it. I
25 think if we are dealing with maybe a corrective

1 procedure, I think one of the main -- I think one of
2 the main problems that I have seen over the last few
3 years and it is still a main problem and that's the
4 education process and that's educating local people,
5 local anglers and hunting groups, for example, as to
6 other needs.

7 There has to be a distinction between the
8 tourist industry and what they need. There has to be a
9 better caliber or a more educated, I'd say, maybe unit
10 forester or people working in that extractive part,
11 that extractive industry with more knowledge of
12 environmental sciences and certainly with the venture
13 tourist industry.

14 Q. Does the Ministry have a function in
15 that public education?

16 A. Well, I would think so. I would
17 think that would be one of their main priorities, is
18 getting good information out to the public, and that
19 has been a problem.

20 I can cite one humerous example when I
21 worked for the Ministry. It was during an open house I
22 think in 1981 or '82. I worked for a planner at that
23 stage and this was during sort of what we call the open
24 gate policy when Alan Pope was the minister and our
25 district manager had a lot of problems internally with

1 his -- especially with his parks and land supervisor,
2 and he had us cover up the legend of one particular map
3 showing the access and it was sort of fuzzifying the
4 actual intent of the Ministry at that time.

5 This map was presented to the public and
6 word got out that it was covering the actual -- what we
7 worked on as the actual legend showing the open road
8 system, what they wanted to open up, and members of the
9 public just kept peeling up the edges of the new legend
10 that was pasted over the old one and finally it was
11 ripped off. The district manager came in, rolled up
12 the map and ran out with it and we never saw the map
13 again.

14 This is the kind of dealings that did
15 nothing to, I think, give strength to the communication
16 between public and government at that time.

17 MR. ZYLBERBERG: Thank you. Madam Chair,
18 there may be other questions.

19 MADAM CHAIR: Thank you, Mr. Zylberberg.

20 I wanted to persue with you for a moment,
21 Mr. Wilson, an issue that's obviously discussed at
22 great length before the Board -- and understand of
23 course that we take no position on the legitimacy of
24 points of view. We always listen to what the groups
25 have to say to us with respect to what they want and

1 expect and demand out of timber management planning.

2 The issue that has been before us since
3 day one, and I am going to ask you about it because you
4 have given lots of opinions in your written evidence
5 and just previously, and that is the discussion about
6 multiple use versus a single use of the forest.

7 Obviously you have been involved in very
8 long discussions as a venture tourist operator about
9 how you can defend your right to have a single use, a
10 canoe route or a forest or whatever and you have
11 identified local interests as being opposed in some
12 respects to an exclusion of use for various reasons.

13 I would like to hear very much how you
14 when you are sitting down with people, and I assume
15 there has been lot of heated encounters and
16 discussions --

17 THE WITNESS: A few.

18 MADAM CHAIR: We have read about that
19 from Temagami and elsewhere in the province. I want to
20 know what you say to people when they say we want to
21 preserve wilderness and we want the wilderness
22 experience to be the first priority of any particular
23 area.

24 THE WITNESS: I'm glad you asked that.
25 That was something that doesn't slip my mind, but

1 multiple use certainly that was a major issue and major
2 bone of contention I know in a lot of the public
3 debates and what have you, and they sort of make the
4 venture tourist as a very greedy, selfish person who is
5 the only person who can afford to fly into an area,
6 basically set aside for a person who only comes up to
7 the area one week of the year.

8 And the way we approached it was the fact
9 that if you create multiple use areas throughout the
10 whole district, for example, you actually turn it into
11 a single use area because what you do is you eliminate
12 venture tourism eventually and you create multiple use
13 or extraction-based economy, so what you're doing is
14 you are creating a single use by promoting multiple
15 use. And this was quite evident as in the fact that we
16 kept trying to squeeze the venture tourist people into
17 a very small area.

18 I would like to go back to when I worked
19 with a planner during the initial, I guess, planning
20 for the Lady Evelyn Smoothwater Park, we came up with
21 the boundary that would have, I think, protected about
22 93 per cent of the sensitive features in the district
23 and would have encompassed I guess a better composition
24 of the canoe routes. Right now the park system is much
25 too small, it's too small according -- or related to

1 the Ministry's own mandate or construction models of
2 those parks.

3 What we are doing, we're creating a
4 multiple use area within that very, very sensitive area
5 that should have been left as a buffer to protect the
6 integrity of that core area, and what we're doing,
7 we're actually turning the wilderness park into a
8 multiple use area as well.

9 This is what I've seen to the present
10 date, and it's something that will never work. We have
11 many, many places where high extraction or mechanized
12 type of sports person can enjoy their particular type
13 of recreation. The problem exists in lack of
14 monitoring, poaching which hasn't been dealt with,
15 which is a serious problem, over use, pressure of
16 fishing pressure, hunting pressure which I have data in
17 my report regarding Highway 805 and other areas.

18 So what you've got is lack of government
19 control in areas that should have been properly
20 maintained for multiple use, specifically without
21 having to increase the roads, opening roads to
22 propagate that industry.

23 I mean, what we're doing we're
24 eliminating -- we're eliminating species and just
25 moving on and moving on until we eliminate everything.

1 And this is a problem that we maintain hasn't been
2 dealt.

3 So, you know, our industry is being
4 backed into a corner and we have no place to go and
5 when you look at the increase in popularity with the
6 venture tourist, it's still the fastest growing element
7 of tourism to date, whereas fishing, hunting, the
8 traditional types of tourism is slipping because of
9 lack of quality of experience because we're eliminating
10 the game and fish species that attract people here.

11 So what would happen is that for a very
12 short period of time, if we create a multiple use
13 district for example, it would be great, it would be
14 fantastic for one industry for very short periods of
15 time, then what do we do, we create the Band-Aid
16 approach, like for example, the fish involvement
17 programs which is not that successful when you look at
18 the track record.

19 And we eliminate venture tourist industry
20 which is a major, major industry for this district, for
21 this country and Temagami, for example, being the prime
22 example of an international attraction with so many
23 valuable assets that would have to be protected to
24 maintain its salability.

25 MADAM CHAIR: Thank you.

1 Another question with respect to the
2 areas with which you're familiar. How long can venture
3 tourist resume, how long would it take for the
4 resumption of venture tourism after an area has been
5 the subject of some timber management operation?

6 Have you seen areas in Temagami or
7 elsewhere that have been logged in the past and have
8 re-entered the system of becoming an acceptable
9 wilderness experience?

10 THE WITNESS: No, I haven't. In the
11 examples of Jackpine Lake area, for example, Snare
12 Creek, Naismith Valley, the Upper Naismith Valley,
13 there are many areas, Bull Lake, Uriston area, along
14 the Sturgeon River for example, some of these areas
15 have not shown the type of vegetation replenishing that
16 would be attractive enough to attract people to at
17 least come back again.

18 One thing about Temagami was it was such
19 a unique area that it attracted people. On a regular
20 basis they would come back over and over and over again
21 to enjoy the same river system or the same canoe route.

22 Now we've had several areas completely
23 removed from what we call our inventory that we have
24 not been able to reopen because there's been very
25 little regrowth, there's been erosion, maybe a lack of

1 fishing - it's not a big deal for my type of industry
2 I'm talking about - but increased access, usually after
3 an area has been logged is also -- there's a residual
4 detriment to that industry.

5 So, no, I would have to say none of the
6 areas have been reopened, that's why it was hard for me
7 as an operator to divert my client market to other
8 areas and it was just getting very frustrating, very
9 time consuming, very expensive to market a diminishing
10 area. So we haven't seen any of these areas coming
11 back, enough that we could reopen them.

12 MADAM CHAIR: Thank you.

13 MR. MARTEL: We were in the -- just north
14 of Field I think in our field visit a couple of years
15 ago and the red pine that had been planted there eight
16 or ten years previously was in the neighbourhood of
17 what, 12 to 14 feet high, some of it, quite a bit of
18 it.

19 See one of the problems that we're
20 encountering is when can you go back to somewhere else.
21 I mean, if you look at northern Ontario, most of it has
22 been burned over in the last hundred years, at least
23 that's what they tell us, you know, and so what does --
24 when can one go back to an area, when can it become
25 viable for any type of tourism operation?

1 THE WITNESS: In my opinion never, you
2 know, because we're still focussing on just the visual
3 aspect as far as the forestry covery is concerned,
4 we're not dealing with what happens after that, and
5 that's increased access.

6 Certainly disparation with garbage,
7 increasing garbage and you're creating multiple use
8 areas and that's something that we look at, not just
9 the regrowth factor.

10 We're looking at isolated areas. I'm
11 very familiar with the areas that have been successful
12 as far as reforestation and most of them are based in
13 the sand plains, for example, north of Sandy Inlet
14 along the top edge of the Lady Evelyn River and
15 certainly the one that you mentioned and some isolated
16 areas that have a proper soil base to allow regrowth,
17 but most of the areas that we're concerned with are
18 very rugged, a lot of bedrock soil, or a lot of bedrock
19 with no soil which do not show a marked increase in, I
20 say, enough growth to even make it appealing.

21 We're removing -- see, what attracts
22 people in that experience is, always has been the clear
23 waters, the loop canoe routes, but specifically the
24 pine shoreline and the vistas.

25 In Temagami too you have to look at, is

1 also I believe the highest point of land in Ontario.
2 We have 32 points of land that we use as access or
3 viewpoints in the district.

4 So it's not like people are just confined
5 to the waterways, people like a diversity of
6 experience, and that was one thing about the Temagami
7 area that was so unique is the fact that people can get
8 off the waterways, if you use these vistas that were
9 once beautiful areas to look at over just massive
10 wilderness tracts of land and clean water. Now we're
11 faced with, you know, getting up to these high points,
12 once beautiful, looking at roads, in particular
13 clearcut areas.

14 I would just like to mention maybe one
15 more problem we have with our industry is the fact that
16 reserves along portage trails. In my own business we
17 were given eight units of reserve on our ski trails
18 which was certainly not adequate. One of the problems
19 that we dealt with in my field experience as
20 maintenance foreman was the increased problems with
21 blowdown, we would have just veneer of trees along
22 portage routes or shorelines.

23 And we have a lot of intensive storms
24 throughout northern Ontario that aren't monitored, what
25 we call bush storms and that causes a lot of serious

1 damage, in particular, adjacent to large areas that
2 have been cut, cleared and wind damage is quite severe,
3 we lose that thin veneer after maybe two or three years
4 of having been cut.

5 It's the maintenance problem that is not
6 dealt with because there's no money in the buckets any
7 more for the maintenance outside of parks.

8 MADAM CHAIR: Thank you, Mr. Wilson.

9 Ms. Gillespie, do you have any questions
10 for Mr. Wilson?

11 MS. GILLESPIE: No, I don't.

12 MADAM CHAIR: Mr. Freidin?

13 MR. FREIDIN: Just a couple.

14 CROSS-EXAMINATION BY MR. FREIDIN:

15 Q. Mr. Wilson, you made a comment when
16 you were talking about roads and usefulness or
17 non-usefulness of roads, you made a comment that it's
18 very hard to monitor certain, I guess, abuses of access
19 and that you thought that legislation was the answer.

20 Is that a fair summary of what you were
21 saying?

22 A. I think -- yeah, I think we have to
23 deal with -- eventually we are going to have to deal
24 with some kind of legislation dealing with the use of
25 all-terrain vehicles.

1 Q. Can you just describe for me why you
2 say it's difficult to monitor. I mean, are you saying
3 there are just practical problems that are
4 insurmountable and, therefore, legislation is the key;
5 is that what you're saying?

6 A. I think stricter regulations would be
7 a deterrent and I think increasing the amount of
8 policing would certainly help.

9 I know with the Temagami district it's so
10 far to drive to different points of access, for
11 example. They have a very sophisticated monitoring
12 system in the field with regards to the hunting,
13 fishing, poaching that goes on in certain parts of the
14 district.

15 They're well aware of when the
16 conservation officers go into that area ahead of time.
17 They also have their own secret, you know, secret roads
18 and places to hide, et cetera, et cetera.

19 Q. What I'm trying to get at is the
20 reason you're saying that some legislation perhaps
21 would be a deterrent or be an approach to take is
22 because there are just practical limitations as to how
23 much you can really do through monitoring because of
24 manpower requirements, expense, that sort of thing; is
25 that what's driving your stressing perhaps legislative

1 restrictions?

2 A. I'm just -- I guess I have to relate
3 that to other provinces that are successful with, I
4 guess, having legislated or making certain areas,
5 restricting certain areas from ATV, maybe sensitive
6 areas, areas maybe with a lake trout fishery involved.

7 Q. What I'm getting at, if you've got
8 legislation, are you suggesting there would be less
9 monitoring required?

10 A. No, I think it would have to go hand
11 in hand, I think maybe over a period of five years
12 until it's clearly understood by the offensive groups
13 that there is a problem, that they have to understand
14 that there are other user groups, you know, who have an
15 interest in that area.

16 I think it would have to go hand in hand,
17 legislation and increased monitoring.

18 Q. Is there a practical problem of
19 monitoring some of these roads which are in fact far
20 away from district offices?

21 A. The time factor certainly was, it
22 still is a major problem. It's so far that it takes,
23 you know, three hours to drive from Temagami along the
24 Beauty Lake Road to the Lady Evelyn watershed to the
25 top end of 805 takes that amount of time.

1 Q. Are you familiar with something
2 called video imaging?

3 A. Not -- just maybe I know it through a
4 different name. I don't know.

5 Q. What do you think I'm referring to?

6 A. I'm not sure if it -- I couldn't tell
7 you, I'm not sure. I don't want to guess.

8 Q. Are you aware of a concept or a
9 practice, procedure called video imaging where through
10 the use of computers changed attributes of particular
11 seasons, could be wilderness seasons, can in fact be
12 portrayed to get people's feedback as to how they
13 react, whether there's something wrong with it?

14 A. I can't see the practicality of it.
15 You mean, this is something that you would show people
16 before they went in, or what are you talking about?

17 Q. Well, if you're doing planning or
18 you're trying to come up with prescriptions for scenic
19 landscapes, to protect scenic landscapes, are you
20 familiar with the approaches which are being developed
21 to use computers in portraying images through almost
22 like -- they call it video imaging, through the use of
23 these computers as a means of communicating to the
24 people that, if we are going to do this kind of logging
25 this is what it's going to look like, and if we are

1 going to do this, this is what it will look like. Are
2 you familiar with that?

3 A. I heard something, I didn't know it
4 was called that, I heard something with regards to
5 that.

6 I guess what I worry about is some of the
7 mitigating, I guess, or corrective surgery, for
8 example, that we have seen in the past. What we worry
9 about is sort of we don't like -- it's really not
10 conducive to that experience, sort of the Band-Aid
11 approach to the corrective surgery.

12 Q. I don't understand. What is not
13 conducive to that approach?

14 A. Some of the methods that the
15 government has been using in the past to sort of, to
16 make it more appealing to the public with regards to
17 planting trees, putting in gravel, for example, or
18 putting up portage signs so people don't get lost when
19 they cross a road, for example.

20 Q. But you are critical in this paper
21 that you filed as an exhibit about -- you make the
22 comment in the last page that you think - and this is
23 what is leading me to ask these few questions - you say
24 that there's a general disinterest with regards to
25 environmental or aesthetic values by the local MNR and

1 that's apparent in certain a number of things.

2 And I'm just trying to -- how do you see
3 aesthetic values being addressed? I mean, we have
4 heard about skyline reserves and you seem to say that's
5 a patchwork or Band-Aid approach. What are you
6 suggesting?

7 A. Well, I didn't say skyline reserves,
8 I did not say that skyline reserves was a Band-Aid
9 approach.

10 Q. Skyline reserves are good?

11 A. I said the Band-Aid approach was
12 mostly at areas that are infractions, for example,
13 where road crossings -- where they use the Band-Aid
14 approach to correct eye sores, for example. That's
15 what I refer to as a Band-Aid approach.

16 Q. Oh, all right.

17 A. Skyline reserves is not a Band-aid
18 approach, it's something that we have always wanted in
19 the district.

20 Q. No, what I'm getting at is I'm
21 suggesting to you that there is an increased awareness
22 and increased attention being paid by MNR to aesthetics
23 in the planning process.

24 A. We haven't exactly seen that
25 implemented in certain respects. I have to repeat, you

1 know, what I said early was, the fact that that's found
2 in the planning process that we're doing now - and
3 certainly the lack of intense logging is certainly sort
4 of a stalemate situation now - but we are not dealing
5 with aesthetic environmental values or even fish and
6 wildlife values with regards to the amount of increase
7 from logging areas that have been logged. That's what
8 I refer to as not addressing the problem or some
9 serious problems with regard to that.

10 Q. Are you aware of any work being done
11 in terms of research being done by the Ministry of
12 Natural Resources to look at the effects on tourism of
13 timber management?

14 A. The effects that tourism have on
15 timber management?

16 Q. Yes, the effects that timber
17 management have on tourism. Are you aware of any
18 research being done on that?

19 A. I knew there were some studies being
20 done. There were a lot of studies being done. In my
21 position I'm waiting to see something implemented.
22 Studies are fine, but if you can't put them to use,
23 then what good are they.

24 Q. So you are not aware as to whether in
25 fact the Ministry is looking at ways of improving its

1 ability to design things like skyline reserves?

2 A. Well, maybe I lost my faith in the
3 system when I talked to Mr. Donkavor last week, it
4 wasn't not that long ago, and he was not willing to
5 appoint two separate people on the board. One to sort
6 of be caretaker for the extractive-based tourism
7 industry and one for the non-extractive based industry.

8 Q. What board?

9 A. The stewardship council. The present
10 council that we see now.

11 Q. Now, the stewardship council you are
12 talking about is the one -- is a stewardship council
13 here in the Temagami District?

14 A. That's correct.

15 Q. That's something different than
16 what's being proposed for a local citizen's committee
17 as far as timber management plans; is that right?

18 A. I still haven't seen any recognition
19 as to the difference of the two industries and I think
20 that has to be done.

21 Q. Are you aware of proposals being made
22 in relation to local citizen's committees as part of
23 the timber management plans?

24 A. Just scantily. In the past month I
25 have been working on a contract partly outside of this

1 country.

2 Q. Have you read the terms and
3 conditions of any of the parties to the hearings other
4 than the preliminary proposals by Northwatch and the
5 coalition?

6 A. Pardon? I didn't hear the first part
7 of the question.

8 Q. Have you read the terms and
9 conditions of any of the parties to the hearing -- let
10 me step back.

11 A lot of sort of full-time parties, the
12 Ministry of Natural Resources, Ministry of Environment,
13 Forests for Tomorrow which is an environmental
14 coalition, the Industry have put forward terms and
15 conditions. Have you looked at those?

16 A. Yes, I have looked. I was familiar
17 with Forests for Tomorrow. I was actually quite
18 actively involved with the work that Don Huff was
19 doing.

20 Q. Don hasn't been involved for
21 sometime.

22 A. I know.

23 Q. You looked at the terms of conditions
24 of Forests for Tomorrow?

25 A. A year ago.

1 Q. Have you looked at any terms and
2 conditions in the last year?

3 A. Yes, I have briefly.

4 Q. Perhaps let me get to the point.
5 Have you read the suggested terms and conditions
6 regarding local citizen's committees, in particular who
7 can sit on them?

8 A. No, not in the last, I would say, six
9 months.

10 Q. And, in fact, if the system is such
11 that the --

12 MR. ZYLBERBERG: Madam Chair, if you wish
13 and Mr. Freidin wishes I can provide my copy to the
14 witnesses to comment on.

15 MR. FREIDIN: Well --

16 MADAM CHAIR: Wouldn't that be faster,
17 Mr. Freidin, to show the list of groups who would be
18 represented on the local citizens committee.

19 MR. FREIDIN: Sure.

20 MADAM CHAIR: I mean, the agreed terms
21 and conditions that we are dealing with.

22 MR. FREIDIN: I don't want his comment.
23 I don't want him to read the whole terms and
24 conditions, I'm looking for a certain provision to see
25 whether it's in here or not. If it's not in here, I'm

1 not going to read the question.

2 MR. ZYLBERBERG: It's in Section 1, 1(b)
3 in particular, of MNR's draft terms and conditions
4 dated January 6, 1992. I assume that's what Mr.
5 Freidin is referring to.

6 MR. FREIDIN: Appendix 1 is what I'm
7 referring to, page 31, the appendix which suggests that
8 the tourism industry be seen as one unified whole,
9 unless I misread it.

10 MADAM CHAIR: Are you going to give
11 evidence or ask a question?

12 MR. FREIDIN: Why don't you give that
13 document to Mr. Wilson.

14 THE WITNESS: The proposal doesn't give a
15 difference though, does it, Mr. Freidin as to either or
16 or both, that's...

17 MR. FREIDIN: Q. Well, that's the point.
18 What you're saying -- you see that the first item under
19 local citizens committee refers to composition:

20 "And it should include representatives
21 of these various groups...", No. (b)
22 being the tourism industry.

23 And I take it from what you're saying
24 that you would like to see, at least in some areas,
25 that there be the possibility of having perhaps two

1 representatives of the tourism industry, one being
2 venture tourism and one being what you call extractive?

3 A. Definitely.

4 Q. And let's assume for the moment that
5 that possibility is available through a term and
6 condition, to what extent do you think that's going to
7 address some of your concerns - this is a local
8 citizens committee now - in the context of preparing a
9 timber management plan?

10 A. I think it depends upon the expertise
11 of the person involved who was chosen to sit on that
12 committee.

13 Q. That's the expertise of the person to
14 represent venture tourism.

15 A. Yes.

16 Q. Or expertise. All right. Okay. Mr.
17 Wilson, there was some evidence given, I guess last
18 week, about the comprehensive planning program which is
19 ongoing in Temagami. Is it in fact intended that that
20 is going to address or at least attempt to address some
21 of the issues that you have raised here, access
22 aesthetics?

23 A. You know, we can talk about the
24 trouble until I'm blue in the face but we haven't seen
25 any implemented. I think it's -- I know people in our

1 industry are losing faith in the organizational
2 structure involved in dealing with the issue or not
3 dealing with the issue, and I think we are getting
4 tired of not having the problem, the direct problems
5 involved dealt with soon enough.

6 I think they may address the problem, but
7 they're not -- you know, they're not implementing any
8 kind of corrective measures. We haven't seen it. I
9 think that's just -- we would like to have faith, we
10 would like to have faith in the system if we saw more
11 action sooner.

12 MR. FREIDIN: One moment, Madam Chair.

13 Q. Just one last question I think, Mr.
14 Wilson. You indicated earlier that you had to move
15 your business from Temagami to some area north of here.

16 A. That's correct.

17 Q. And you indicated that you had some
18 difficulties with the contractors, getting contractors
19 to do work for you?

20 A. That's correct.

21 Q. You said it was because of some of
22 your, I guess, your environmental views or your strong
23 positions in terms of certain environmental issues?

24 A. That's correct.

25 Q. What are the positions that you have

1 taken that were met with strong opposition by people in
2 the Temagami area?

3 A. I would look at them as not radical
4 by any stretch of the imagination and I made that quite
5 clear in the newspaper.

6 Q. I'm not suggesting they are radical
7 one way or the other, I would just like to understand
8 what those views are that have caused that degree of
9 concern?

10 A. I guess a lot of the hope that was
11 built up and, of course, the newspaper, you know,
12 exaggerating a lot of the personal comments made and
13 intent by -- I know especially some of the local people
14 who were intent on at least acknowledging the fact that
15 there should be a change within the Ministry with
16 regards to environmental concerns, logging practices.

17 My views were primarily for the
18 protection of the environment which in turn would
19 protect the aesthetic value of the people that I dealt
20 with in my own business.

21 Q. Did you find that the -- you say the
22 newspaper exaggerated comments that you made. Do you
23 find that's a problem that applies to views perhaps on
24 the other side of the fence, that the newspaper
25 exaggerates or don't report accurately the views on the

1 other side of the fence?

2 A. Exactly. I mean we all know the
3 strategies behind newspaper reporting, you know, our
4 support obviously between the separation of the north
5 and south, I guess animosity towards each other, you
6 know, this was our backyard, stay out of it.

7 And, of course, newspapers some of which
8 are owned by, of course, some of the larger logging
9 companies, certainly they would have a bias towards who
10 or what was said, you know, in newspaper articles, et
11 cetera.

12 Q. Thank you. So you believe that when
13 in fact they are reporting in the newspaper it should
14 be even handed and both sides of the issues should be
15 stated?

16 A. I think so. Actually I think it's
17 hard going back, but I think a lot of the hope was,
18 specifically as far as getting proper views across from
19 especially representatives in the north for the
20 environmental movement here, it was hard to get our
21 point of view across in our own locale when there was
22 that bias.

23 Q. All right. Do you think that even
24 handed reporting is important for any group that is
25 preparing publications for public consumption?

1 A. I think so. I think it's necessary.
2 I mean, we all have to have a voice and I think it has
3 to be understood.

4 It was deeper than that, it was much
5 deeper than, you know, just me trying to tell people
6 that there's a value to a tree before you cut it down.
7 I mean, it's an educational process with the local
8 people, the other user groups. For example, they're
9 not going to change their opinion unless they know the
10 facts, you know, where we're coming from, for example.

11 Had they known the importance or the
12 impact that canoeing has, for example, on the district,
13 if they knew the dollar value for example of how much
14 money is spent in their stores and their gas stations,
15 then they would certainly have a different -- more
16 mature look at the other user groups and that they have
17 a part to play.

18 It's not just a rich southern tourist
19 who's coming in to utilize their backyard for two
20 weeks, it's much deeper than that. And I think the
21 whole problem was lack of education, lack of knowledge
22 between the various user groups.

23 MR. FREIDIN: Those are my questions.

24 MADAM CHAIR: Thank you, Mr. Freidin.

25 Before we have re-examination, a point of

1 clarification, Mr. Wilson. You said you were excluded
2 from which public advisory group. So far as the Board
3 knows, we have received evidence about the
4 comprehensive planning council from Dr. Brozowski and
5 we have received evidence from Mary Laronde about the
6 so described stewardship arrangement between the Native
7 community, a particular Native community and the
8 Ministry of Natural Resources. And to which
9 organization are you referring?

10 THE WITNESS: Well, it wasn't that I
11 wanted to be included, it was just a discussion between
12 Marty Donkavor and myself. I wasn't trying to get in
13 on a committee, I was just making a statement that I
14 was hoping that when they were selecting people to
15 represent the tourist industry that they would make
16 sure it was a person who was -- well, I wanted two
17 people to represent the tourist industry.

18 MADAM CHAIR: And is this on the
19 comprehensive planning council as constituted now or
20 are you talking about other groups?

21 THE WITNESS: Basically I think the
22 first, the stewardship council with regards to -- I'm
23 not sure, I believe the comprehensive planning. It was
24 just a general conversation that we had talking about
25 the various groups that they had been planning to

1 formulate at the time I was talking to them.

2 MADAM CHAIR: And this was how long ago?

3 THE WITNESS: It would be less than one
4 year ago. About a year ago.

5 MADAM CHAIR: Mr. Zylberberg, do you have
6 any others questions?

7 MR. ZYLBERBERG: No thank you, Madam
8 Chair.

9 MADAM CHAIR: All right. Thank you very
10 much, Mr. Wilson. We appreciate your coming here today
11 and giving your evidence to the Board.

12 THE WITNESS: My pleasure.

13 MADAM CHAIR: Thank you. We will have
14 our lunch break now and be back at -- how long will you
15 be with your three witnesses this afternoon?

16 MR. ZYLBERBERG: About three hours, I
17 would think, including the break.

18 MADAM CHAIR: We will start this
19 afternoon at a quarter to two.

20 MR. ZYLBERBERG: Sure.

21 ---Luncheon recess at 12:30 p.m.

22 ---On resuming at 1:45 p.m.

23 MADAM CHAIR: Who will you be starting
24 with this afternoon, Mr. Zylberberg?

25 MR. ZYLBERBERG: We will start with

1 Murray Muir, follow with Jean Shawana who is downstairs
2 having lunch, and Dr. Hodgins is here.

3 MADAM CHAIR: All right. Hello.

4 MR. MUIR: Hello.

5 MADAM CHAIR: Nice to see you again, Mr.
6 Muir.

7 MR. MUIR: Hello.

8 MADAM CHAIR: Do you wish your evidence
9 to be sworn in or affirmed? .

10 THE WITNESS: Just affirm it.

11 MURRAY MUIR; Affirmed.

12 MADAM CHAIR: Thank you.

13 DIRECT EXAMINATION BY MR. ZYLBERBERG:

14 Q. Where do you live, sir?

15 A. I live in Harley Township,
16 approximately 13 miles west of New Liskeard.

17 Q. And is it a heavily populated area
18 that you live in?

19 A. We are the only people in the whole
20 township. We chose to live back there because we like
21 the country so much, we like the peacefulness and the
22 beauty of the area.

23 Q. How do you get to your home?

24 A. Well, today we rode a horse out two
25 miles and the last mile out to the highway take the

1 truck. It's a just but we have one horse and two or
2 three people in the family ride the horse and the
3 others walk.

4 Q. Do you use the wilderness areas
5 extensively?

6 A. Probably a lot of people that -- one
7 of the people that uses it the most, even though we're
8 in the bush, when we go for holidays we go into bush
9 even farther.

10 We choose to go on canoe trips. We have
11 been on three-week long ones, often it's just a week
12 long or being so handy to the bush, living right in
13 northern Ontario we really take advantage of it, often
14 go just for an overnight trip, and all throughout the
15 winter we are out snowshoeing, skiing, enjoying it.

16 Q. The statement that you prepared at
17 Northwatch's request talks about some of the things
18 that you find in the bush you didn't expect to find.
19 Can you talk to that a bit.

20 A. Yeah. We associate the wilderness
21 with something clean, pristine, beautiful and over the
22 years it's getting harder and harder to find areas that
23 are really what you expect them to be.

24 I guess an example would be the Lady
25 Evelyn Wilderness Park and we have gone on various

1 trips back there and go back there, and our last trip
2 into the park from the north kind of turned out to be a
3 garbage collection trip.

4 On the way in we met up with the motor
5 boatists who were fishing and we noticed some of them
6 as they were heading in, they were heading in with the
7 cases of beer, which isn't the best, especially if
8 you're heading back there. Then when we were back
9 there we stopped at one campsite and at one campsite
10 alone we found 50 pounds of broken glass, this was in
11 the water, on the edge and some of it was scattered
12 around the camp.

13 I guess that really saddened us that here
14 we were in a wilderness park, we hadn't got away from
15 the motor boats and when we found the camps, a lot of
16 them, just didn't appeal to us, we'd either have to
17 clean them up, spend time cleaning them up, which
18 really didn't thrill our kids having to run around and
19 clean up the camp or just move on and look for other
20 spots.

21 That's the way it's been over the years.
22 We paddle to a camp, we paddle all day, see a camp spot
23 marked on the map and the MNR kind of encourages you
24 not to make new campsites, so you're not having a lot
25 of bush affect, to use established campsites, which is

1 a good idea.

2 So we would go to those established
3 campsites and a lot of times we just couldn't bring
4 ourselves to camp, there would be too much human waste
5 spread around, too much garbage, sometimes we would
6 clean it up and make do.

7 It seems over the years that the farther
8 you get away from the end of the road the more chance
9 of finding a campsite that is nice. It's just
10 logistics, people who are going canoeing, they can only
11 carry so much, you have to -- as soon as you get into a
12 couple of portages you filter out a lot of the garbage
13 because people can't carry cases and bottles, they
14 can't carry old sinks, they can't carry pieces of
15 carpet, they can't carry big coolers, gasoline jugs,
16 it's just not practical.

17 So if you want to get to an area where
18 you can camp and a setting that's clean there are
19 more -- there's a greater chance of finding that when
20 you get away from access.

21 Q. The access that you have noted -- I'm
22 sorry, you attribute the garbage you find to motorized
23 access I take it primarily; not specifically but
24 primarily?

25 A. It does come from motorized access.

1 Mainly I think it's because a lot of the people that
2 really want to go back and see the wilderness, they're
3 there for a different reason. They want to go there to
4 experience the wilderness and see the wilderness and
5 generally speaking, generally speaking a lot of them
6 are going to try to leave that wilderness as clean as
7 they can.

8 Now, there's going to be people who are
9 bringing other people into the area to show them and
10 maybe they don't care so much, so you will find some
11 garbage. We're not trying to find that, you're not
12 going to find any garbage when you go on a route that's
13 just used by canoeists, but generally speaking it's the
14 fact of life, when you get more access you just have to
15 drive up and down Highway 11 and you'll see between New
16 Liskeard and Temagami there's garbage, it's a steady
17 stream of garbage, you could fill a transport driving
18 from Temagami to New Liskeard, and that's just the sad
19 fact that it is.

20 And I think there is a place in this
21 world of ours for some true wilderness, where we don't
22 access the whole bush, where we leave some areas that
23 people who do enjoy the wilderness experience can go to
24 be in some place that's clean and inviting.

25 Q. Why does it matter to you when you

1 get there and you find beer coolers or gasoline jugs or
2 beer cans?

3 A. It's the -- I guess it's the feeling
4 that you are -- it's a real thrill to be in an area
5 where you can see that man hasn't had a lot of effect,
6 that the trees are there undisturbed, that the water is
7 clean, that the bottom of the water you can go in
8 swimming and the gravel and the sand your feet is
9 clean, and I guess it's just like in your own home.
10 You would be disgusted in your own home to find broken
11 bottles or broken glass around you, you would be
12 disgusted to find somebody going to the washroom in
13 your yard.

14 You know, this is a campsite that you're
15 spending a weekend there and you're thinking of your
16 health too, you don't want certain things in the water
17 and it just takes away from the whole experience to me.

18 We just can't enjoy a camp spot that's
19 badly littered. Just afraid I can't -- I really
20 believe there's a lot of people who, when they go in
21 the bush, that means a lot to them, it's what they go
22 there for, and it can really ruin their experience if
23 they go there and each campsite they go to they find
24 garbage and they hope, well, maybe the next one is
25 nicer, and they go there and they find more garbage.

1 Q. Are you proposing that we close off
2 the whole of northern Ontario and not allow people to
3 get to lakes?

4 A. I guess what I would like to see is
5 some real wilderness areas, like for instance, the
6 wilderness park, motor boats are allowed to go in there
7 and airplanes are allowed to fly in there, there is a
8 lot of access.

9 One lake we went to we portaged three
10 times from the north from Smoothwater Lake, we portaged
11 south to a lake called Scarecrow, we got there - we
12 have done a lot of portaging - now we are going to get
13 away from motor boats.

14 People had come from the south and
15 fishermen had just walked over the portage trail
16 carrying motors and aluminum boats stashed in the boat
17 and when they got there they put the motor on the
18 aluminum boat and travel up and down the lake all night
19 trolling and the peace and quiet we sought, it just
20 disappeared. That was it.

21 Hap made an interesting point, it was
22 pretty well exactly what I was going to say earlier.
23 That is true, multiple use, if you look at the whole of
24 Ontario and want to see true multiple use, let's say 25
25 per cent of the population uses and enjoys a wilderness

1 experience, if you want to see true multiple use you
2 will have wilderness blocks here and there for that 25
3 per cent population.

4 That's not saying that you're not going
5 to have motor boats, you're not going to have motorized
6 access. Even back at our own property we have a trail
7 that goes through our property and we allow skidooers
8 to go through there all winter long, we give them
9 permission. We are not against skidooers, we are not
10 against motor boaters, we just want to see someplace
11 where we can go to enjoy this experience.

12 It's kind of like water skiing and
13 swimming just don't mix. You allow them both, they can
14 both take place, but you can't get them too close or
15 you run into trouble obviously.

16 We have actually seen that in areas where
17 there's no controls, there is water skiing going on
18 right besides swimming, you know, it's not safe. And
19 when you're having a wilderness canoe trip, it no
20 longer is a wilderness canoe trip, it no longer is a
21 wilderness snowshoe trip or whatever you're on if you
22 have motors going all the time by you, motor boats with
23 their oil smell or skiidos with their smell of fumes
24 that lasts for hours on the trail.

25 So I think there is room in this big

1 province of ours that we can have areas of true
2 wilderness and everyone could get along if -- one idea
3 I thought that might be useful is if the MNR, when they
4 print out some of their maps, like they have one on
5 Temagami canoe routes for instance, if they printed
6 each map a little symbol which would indicate this lake
7 is not motor -- not accessed by motor boats, somebody
8 trying to plan a wilderness experience can say: Ah,
9 here's a group of lakes we can go into, we can enjoy
10 the weekend withou competing with motor boats for the
11 silence, for whatever, and people with the mother boats
12 can say: Ah, we are not allowed to go on these lakes,
13 but look at all these lakes over here, there's three
14 quarters of the province or there's 90 per cent of the
15 province that we are allowed to access, we can drive
16 our motor boats, isn't that great.

17 Maybe only 50 per cent of the people own
18 motor boats but here they could have 90 per cent of the
19 lakes, and I'm sure the 10 per cent that is left people
20 would enjoy wilderness, they would be happy with that,
21 but that's not the way it is right now. I would like
22 to see that changed.

23 Q. Have you seen any problems with
24 poachers when it comes to motorized access users?

25 A. Yes. We have seen over the years, it

1 seems when you get a road into an area that it's not
2 just the road itself it's the side trails and our own
3 trail. That's another thing what I would like to see
4 is more controls. The wardens, like, they have the
5 rules in place but they have all these roads out there
6 and don't have enough wardens to patrol and enforce the
7 rules that they have.

8 Along our trail we had a young lad who
9 was just 11 years old, he was driving along with a
10 shotgun slung across his seat there and he was on his
11 three wheeler. I could see that this wasn't safe,
12 seeing as my children were walking back and forth to
13 school on this trail. I didn't want to start any wars
14 with this local family, so I just called the game
15 warden and I told him if he went up the trail, waited a
16 certain spot, he would catch the young lad there that
17 was hunting unsafely with sometimes a loaded shotgun
18 slung across his three wheeler.

19 Well, the game warden went up there once,
20 that was it, and that night the young lad happened to
21 have gone to town with his mother but I know for a fact
22 they got three grouse illegally.

23 And I have never -- in all my years
24 travelling our trails I have never seen a warden
25 myself, so I know that the presence isn't there, that

1 there is lots of opportunities for illegally hunting.

2 I met up with people who have travelled
3 in our trail at night and used high powered lights to
4 try to spot moose in swamps and things, but you can't
5 go starting wars with your neighbours. It's got to be
6 the wardens themselves, they have to be out there
7 finding these things, and I guess the presence just
8 isn't there.

9 When you have a wilderness area, it's
10 going to be a wilderness area or any area, you've got
11 to have some kind of presence there to control it, make
12 it what it's claimed to be.

13 Q. When we were having lunch today you
14 were telling me about a logging road near you and some
15 of the water quality that suffered from it. Can you
16 share that with the Board, please.

17 A. Yeah. Another thing about access is
18 often when an area is accessed the creek crossings, et
19 cetera, aren't done up to specs okay. So we have this
20 nice little creek that goes through our property and a
21 mile and a half from our house there was a road, a
22 logging road was built over the creek and this logging
23 road, all the fellow did was he put in some culverts, I
24 think it was four culverts, and this creek has trout in
25 it. I've seen people catch trout myself and it's a

1 well-known fact by locals that this is a trout creek.

2 So this fellow, he wasn't controlled
3 there very much, he was allowed to pretty well do what
4 he wanted with the road. I think what he did was he
5 took a bulldozer, he just pushed the soil in that was
6 close at hand, he filled in the culvert so he could
7 travel over there in the winter. Which is fine and
8 dandy, but then the spring came, it washed all that
9 soil out and there the culvert sat and there the
10 silt -- all that soil had been washed down into the
11 creek, and then the next year he was logging back there
12 again. So this went on, I do believe it was four
13 winters that he filled it in, and each time he filled
14 it in it just washed out.

15 So I didn't really -- like, when the
16 fellow did finally pull out he left those culverts
17 there, and I didn't really like the looks of them, but
18 I didn't really want to pursue any legal matters trying
19 to, you know, force this fellow to remove the culverts.
20 So I talked with the fellow from the MNR and asked them
21 if they were going to do any tree planting back there,
22 I thought maybe they could make use of those culverts,
23 they might want them there still, and they said that
24 they didn't need them. So I asked them if I could take
25 the culverts out. They told me that I had to have a

1 permit to remove the culverts. So I got a permit and I
2 removed the culverts, and that took care of that
3 problem, but I'm not through. Now that's just
4 something I happened to see close to home.

5 There's lots of other roads that are
6 built and they don't have a lot of respect necessarily
7 for the creeks themselves, so I can see that being a
8 problem with access, is that if people don't really
9 care, if they think they can -- like, there wasn't a
10 high use tourist area so maybe they figured, well we
11 don't have to go by the books and the books would have
12 stated that they have to backfill with gravel so that
13 the silt wouldn't wash down into the trout creek and
14 that when it was finished the culverts would have to be
15 removed and try to restore it to its natural state. It
16 didn't happen that way.

17 Q. Had anybody from MNR checked?

18 A. Oh well, the MNR had said up there -
19 this is Crown land, they go back there and they marked
20 out with the ribbons where the logger was to cut,
21 right, so they knew exactly what he was doing, there's
22 no doubt about that.

23 Q. What do you think should be done
24 differently, what recommendations do you think this
25 Board should give to control the problems you're

1 describing?

2 A. Well, I would like to see them, first
3 of all, declare some wilderness zones and, for
4 instance, let's start with wilderness parks, let's make
5 the wilderness parks true wilderness parks this time,
6 no motorized access, that's a genuine rule in this
7 park, in a genuine wilderness park.

8 And you have to decide what percentage of
9 the population wants wilderness areas. Let's say it's
10 25 per cent of the population wants to go out every
11 summer, whatever, they have holidays they want to have
12 a wilderness kind of experience, well, let's take 25
13 per cent of the province and let's say that this 25 per
14 cent is going to be for people who want to enjoy the
15 wilderness in a different manner than having it
16 criss-crossed with roads and divided up and driving
17 their four wheel drive vehicles wherever they can and
18 their motor boats wherever they can. That is one way I
19 would like to see it controlled.

20 The other way is with increased policing
21 of the wardens. I guess I find it hard to believe that
22 they couldn't catch more people, because how do I see
23 so many of them, you know, making these violations, and
24 I'm not even travelling around as much as a warden
25 would be. Maybe they need more wardens, I don't know.

1 Maybe the fellows that are out there do
2 catch a lot of people, maybe there's just not enough
3 wardens, they need more. That would control it one
4 way.

5 And then I guess stiffer fines. Like
6 littering can completely ruin a person's wilderness
7 experience. Like we have seen people back there from
8 England in the Lady Evelyn wilderness area, from
9 Holland, from all over the world. It's unbelievable.
10 They come to the area because it's so special and,
11 like, we are ashamed when they see how some of the
12 campsites are. They have travelled thousands and
13 thousands of miles and I guess I would like to see
14 stiffer fines for littering.

15 It shouldn't be so easy for -- look up
16 and down the highways, these -- I mean that's where the
17 problem starts right there. They just carry that
18 problem farther back into bush. So I guess having lot
19 of stiffer fines.

20 Another thing they did in Algonquin they
21 made it illegal to have glass jars and cans when you
22 travel back in the bush, so when people are entering
23 something that's classified as a wilderness area you
24 have a spot check, find people who are trying to take
25 in glass bottles and such. That would be a few

1 suggestions.

2 Q. Before the Board opens the floor up
3 to other questions to you, do you have anything else
4 that you would like to say to them?

5 A. I guess I would like to stress that
6 to somebody who's going on a wilderness trip it might
7 seem trivial to somebody who hasn't really been out
8 there enjoying it, but it really does make a big
9 difference when you're going out on a wilderness trip
10 if, when you get there, you have clean campsites.

11 We have gone to sites where it's not just
12 on the shore, it's the water too. You go scuba diving
13 and there's glass in there. We've had the boys cut
14 their foot on broken glass, and it is really important
15 to us, and I guess I would like to see something done
16 to make it easier for me when I head out in the bush or
17 our family heads out in the bush that we can enjoy a
18 wilderness experience that we don't have to fill our
19 canoe half full of garbage.

20 Like my children are getting fed up,
21 their mother is a really good garbage collector if you
22 want. It's not a very nice thing to say, but she's
23 good, she goes out there, she sees that garbage, like,
24 even if it's the start of the trip she would start
25 collecting it, and I will say: No, no, wait until the

1 last day, we will fill it up on the last day. It
2 annoys her so much that she likes to see that stuff
3 collected right from day one, and it piles up and it's
4 a real nuisance to work around big plastic bags full of
5 broken glass and such in your canoe, you know, it means
6 a lot to me.

7 MADAM CHAIR: Thank you very much, Mr.
8 Muir. Will there be any questions for Mr. Muir?

9 Ms. Gillespie?

10 MS. GILLESPIE: No.

11 MADAM CHAIR: Mr. Freidin?

12 MR. FREIDIN: No, no.

13 MADAM CHAIR: All right. Then thank you
14 very much. We appreciate you coming today. Thank you.

15 MADAM CHAIR: Good afternoon, Mrs.
16 Shawana.

17 MS. SHAWANA: Good afternoon.

18 MADAM CHAIR: It is nice to have you here
19 this afternoon.

20 MS. SHAWANA: Thank you.

21 MADAM CHAIR: Mr. Zylberberg, you are
22 going to take Mrs. Shawana through her evidence?

23 MR. ZYLBERBERG: Yes, I am.

24 MADAM CHAIR: All right. Go ahead.

25 JEAN SHAWANA; Called.

1 DIRECT EXAMINATION BY MR. ZYLBERBERG:

2 Q. Ms. Shawana, you are a member of the
3 Serpent River Band?

4 A. Yes.

5 Q. And you are a member of the Ojibway
6 Nation?

7 A. That's right.

8 Q. Now, I understand that by profession
9 you are a school teacher?

10 A. That's right.

11 Q. I'm going to ask you to talk about
12 the traditional uses of the forest, the traditional
13 meaning that the forest has had to you and to your
14 community, if I can.

15 In your statement you took the trouble to
16 talk about it on a seasonal basis and to talk about the
17 different traditional uses of the forest throughout the
18 year and perhaps we can do that again here.

19 Why don't I ask you to start with the
20 spring and lead us through the year as to the uses of
21 the forest?

22 A. Okay. My recollection in the earlier
23 years, it was perhaps in the 30s, the 40s, were very
24 significant in terms of how we used the environment and
25 how we would -- perhaps it was part of our lifestyle

1 and it was always with the whole community. It was not
2 fractioned with a portion of the community only doing
3 certain things. It was a whole community-based kind of
4 activity.

5 Specifically the spring was a very
6 important one. Of course, every season was important
7 and it had to be that way in order to survive.
8 Realizing also the fact at that time, because we were
9 under the jurisdiction of the federal government, under
10 the treaties of Robinson-Huron treaties, we never heard
11 too much of these people as we do today and I believe
12 it was only once a year that we would see the mounties
13 coming in the community.

14 So if you can envision what this
15 closed-in community would be like, it would be perhaps
16 like a western small community perhaps, but with a
17 totally different lifestyle.

18 In the spring, early spring was always
19 planned to have the maple sugar, maple season in the
20 area, and that was a means of restoring the maple
21 sugar, maple syrup. Then, of course, from that would
22 be the spring trapping and that would take in a lot of
23 the immediate areas of waterways and then when that was
24 down to about mid May, then we would have to go into
25 also the other means of storing still and going into

1 planting the vegetables, mainly the vegetables, and our
2 main staples would be the wild game, the fish from the
3 immediate waterways.

4 The summer was spent mostly in caring for
5 the gardens and different families would come together
6 and they would help one another and there was, of
7 course, also the local arts and the crafts that are
8 done and the picking of the birch bark which were some
9 of the things -- most of the resources that we would
10 get would be the sweet grass, the birch bark, the black
11 ash and those were the three very important ones in the
12 area.

13 Throughout the summer the women,
14 including the children, including myself, I was given
15 the skills as a child to learn how to make the birch
16 bark baskets, the black ash, how you pound it, how you
17 scrape it and make baskets out of it and the sweet
18 grass as part of -- also the sacred value of the sweet
19 grass.

20 Those were all picked at specific times
21 and then, of course, throughout the long summers, as I
22 say, there would also be the berry picking in all of
23 our local areas, including the Elliott Lake area.
24 People would go in as far as -- closer to Chapleau if
25 it needed be for this particular time which would be

1 July and part of August.

2 That would be sold out to the merchants
3 that would come about buying berries from us, and I
4 recall most of that -- the monies from it then would be
5 the buying of the main staples like the flour,
6 shortening and this nature and we would have enough to
7 carry us through most of the season, most of the year.

8 In the fall then there would be the
9 gathering of the wood and, again, being prepared for
10 the winter and also the winter and the fall trapping,
11 what they consider the winter trapping, which was in
12 again mainly around the Elliott Lake area and
13 surroundings.

14 Everyone would go out, the men would go
15 out, some of the women would go out and they would help
16 with the skinning of the beaver, the muskrats and the
17 fox, whatever would be, the ones that would be sold
18 during that or within that year. Whatever was giving
19 the best...

20 I recall very clearly in terms of for
21 monetary reasons it was very important to move and to
22 move about very quickly. It was a necessity that you
23 must be healthy, you must be able to walk for 10 to 12
24 miles and if you weren't able to do that, then you were
25 excluded from the movement and from the community in a

1 sense that you would have to -- and it was a terrible
2 thing to be considered as a cripple, whether you had
3 some mishap, but they weren't treated as if they
4 were -- that they needed that medical care, that
5 medical attention. That attention came from our elders
6 who were the medicine people. I come from a family of
7 a medicine woman, a medicine man and there were no
8 doctors and there was no need for it from what I
9 recall.

10 The fall was spent mainly to pick the
11 herbs and the preparation for the long winter months or
12 for any type of illness that may have come about, and
13 it appears that they knew and they had the knowledge
14 how to take care of their sick.

15 The winter was mainly spent with, again,
16 already preparing for the spring season. I would see
17 the elders, which we had to learn as well, how to weave
18 snowshoes, how to go about -- the young boys would
19 learn how to carve the runners of the sleds and, of
20 course, the competitiveness was there, whichever one
21 would be the quickest on the snow at that particular
22 time in the spring.

23 I cannot even recall any terrible or sad
24 situation. There was always your family around and if
25 my family was not there was the extended family. As

1 years went on - it's very interesting how the world
2 changed the western system - it appears like we were
3 discovered. It appears like -- as I say, the only time
4 we ever saw non-native people or of any importance to
5 us were the RCMP that would arrive in May which was
6 about the time you buy and which is what most of the
7 community members did. They would buy the seeds for
8 their gardens with the \$4.00 that the RCMP and Indians
9 Affairs would bring in, \$4.00 per person, and it is
10 still that today.

11 It's interesting when they started to
12 come about at how -- the world you're centered around
13 is in this small community and all of a sudden these
14 people moved in and it was part of our community and
15 the sawmill went into place and part of our reserve was
16 gone and part of the areas where we would have set nets
17 or gone fishing in the summer we were not able to use
18 anymore.

19 I did not understand it at the time. The
20 people moved closer and closer to our community and
21 that was fine as far as I was concerned. They had
22 strange ways, they had different foods than what we
23 were accustomed to, but as I grew older I was beginning
24 to become very curious of the fact that how come we
25 couldn't go in that area anymore, how come we couldn't

1 go and get our trees in that area. I learned later
2 through my elders it was the Department of Indian
3 Affairs that had made the decision to have a sawmill in
4 our community and part of that community was taken
5 away.

6 Back in late 40s or late 30s the last of
7 the sawmills were gone because they said that the
8 forestry in the area was all cleaned out, and if I
9 recall there was a huge fire and that sawmill, the last
10 of the sawmills that was sitting there, was barely
11 surviving from I suppose the lack of the logs or
12 whatever. That was rather interest. What I recall
13 about it was it was a huge fire and, of course, the
14 fear that it may affect us in our small community.

15 By this time the Department of Indian
16 Affairs under the Robinson-Huron Treaty had implemented
17 a small one day, one-classroom schools and I was told
18 at a very early age: You must go there. Of course,
19 with the lifestyle that I knew quite well and
20 understood I really didn't care to go to this one-room
21 school.

22 Again, unknown to me the language was the
23 barrier, the teacher was non-native, she didn't speak
24 the same language as I did. However, my grandparents
25 persued me and their philosophy behind it was you must

1 go and learn, you must learn the language, you must
2 learn to speak English and understand them. We don't
3 understand and look what's happening to us.

4 I did that. Then, of course, after grade
5 8 supposedly I was having to be sent out at a very
6 early age, like 11 or 12 years old. I may have been
7 12. I went into a city called Sault Ste. Marie. This
8 is where Department of Indians Affairs decided to send
9 me with the Gray Nun Order. No offence against the
10 Gray Nun Order, I'm sure they were probably trying to
11 do their best with me, but I was so terribly lonely and
12 the only thing that kept me there is the traditional
13 stories that I had heard about Sault Ste. Marie and how
14 that was such a great meeting place for all of the
15 Ojibway, Chippewa and the Huron Nation and the things
16 that transpired there.

17 Consequently, I didn't survive there. I
18 had my grandmother -- I asked if I could go home in
19 which I did. I went through what the Ojibway consider
20 a planned marriage. I have been married for 47 years
21 and we have seven children. I kept going back to our
22 own community. We left. My husband and I felt that
23 there was no jobs there, there was nothing, welfare was
24 in line. It didn't feel very good to go and stand in
25 line. My husband didn't believe in it, I didn't

1 believe in it. So, consequently, we had to go out.

2 We went to work in the city, Sault Ste.
3 Marie, and as time went on there was a sulphuric acid
4 plant supposedly coming in sight again taking at least
5 a part of our reserve.

6 So we came back home. My husband being
7 then a trained electrician and myself as part of the
8 teachings that I had followed and continuing taking
9 short courses in the city. However, we lived there for
10 seven years in view of the fact that this is how long
11 that this acid plant survived. They made a 99-year
12 lease. We thought: Well boy, are we ever in good
13 economic base. That's great. We're going back home.
14 We built a home and learned it was very short lived.

15 By this time our own community had had
16 many, many destructions to it. The alcohol, the
17 employment there where we should have been flourishing,
18 no longer was anybody making any baskets, no longer was
19 anybody making any type of crafts because by this time
20 the federal government had come in and said: Well, you
21 can do this and you can't do that.

22 Seeing the destruction of Elliott Lake in
23 itself, as a child I was taught and learned that these
24 grounds in certain areas of Elliott Lake was a very
25 traditional ground and this was where my brother was

1 sent for his vision, to seek vision, and they would go
2 ten days at a time and if they survived the ten days
3 they can survive anything, and that was the teachings
4 of the cultural aspect of the Ojibway Nation.

5 I guess what really brings me here today,
6 which is very touching in a sense, my uncle, my great
7 uncle. He was a great medicine man who had cured a
8 number of people, a great number of people from our
9 area also in the Manitoulin area. There were people
10 coming to him a lot. In later years, in '55 he was
11 getting very old and he wanted to go back to the place
12 where he had fasted and we knew that we could take him
13 there on the highway.

14 He was an old man of about 75 or 80 years
15 old at that time, his sight was going. We went to look
16 at this particular area and the Stand Rock Mine had
17 already dug into the cave that was a sacred place and
18 they put big machinery in there and that's what he saw.
19 He was pretty sad. He cried. We cried with him.

20 Then he wanted to go to another area
21 where it is high in the mountains from beyond Elliott
22 Lake. I was never able to take him there because in my
23 busy life he died not ever seeing that place again and
24 maybe perhaps it was for the best because my brother
25 and my uncle went to see this place and it is a lake.

1 Mind you, the water is still green as
2 what it had been, the stones are still white as what
3 they had been, but it has now become a national park or
4 a park of some nature, but people are driving through
5 it not caring whether it is a sacred ground or not or
6 not knowing.

7 The other area is in Serpent River First
8 Nation itself where the sulphuric acid plant was such a
9 horrible sight and no one was about to do anything
10 about it. They moved that particular refinery plant to
11 Sudbury. It left our native people without any work,
12 so back to the welfare line they went.

13 Some of them moved away, but the
14 interesting part about this was the fact that the
15 federal government no matter how much you tried to say:
16 Look, this is not the way it was, this lights up at
17 night, and they thought Indians have gone crazy in this
18 particular community.

19 But that was -- this sulfur would ignite
20 or whatever, it would ignite on the hottest days or at
21 the night of a hot day and no one really believed us.
22 We would hang out our clothes on the line and there
23 would be holes in them. And, of course, all the
24 forestry on the west side of our reserve was all gone.

25 And I guess when I was asked to make a

1 statement today, the most important thing I think it is
2 to have people aware of what has transpired. Maybe
3 people do not know.

4 And I'm not too sure, even when we teach,
5 and I've been teaching for a good number of years in
6 other Native communities, I've been in the isolated
7 communities semi-isolated communities, I've been
8 teaching for 18 years away from that area simply
9 because that we no longer had the one-room school, the
10 federal government came about and gave joint tuition
11 agreements to the non-Native schools, however, in the
12 areas and the countries that I've been in is north of
13 the 50th, and I could see the devastating situations in
14 those areas.

15 Most one was a fly-in post where I was.
16 They built a huge airstrip and then a lot of things.
17 It somewhat brought destruction to that community.
18 They were still speaking their Native tongue. I was
19 very fortunate and the people in the community were
20 very happy to have a Native speaking the language to
21 the children because when the children came to school
22 they too did not have the English language.

23 So, you know, it appeared like it was 20
24 years, or 40 years of what I was -- of what I saw when
25 I was a child is what I was seeing out there.

1 Q. Jean, as the wilderness is destroyed
2 by logging or by mining or however it's destroyed, what
3 effect does that have on Anishinabek culture, on
4 Ojibway culture?

5 A. It has a lot, because -- I suppose it
6 has the two, is the system that is in place and also
7 the fact that the environment of what it was is not
8 there any more. No one makes birch bark canoes even if
9 it is just for sport today because you would never get
10 the abundance of the birch bark or the trees would not
11 be the proper size, they have been all cut down.

12 Q. The traditional teachings of your
13 community, how tied are they to the wilderness and to
14 the natural forest?

15 A. In spite of all the destruction that
16 has gone on we have -- our people -- the population in
17 our community is 680 along with the people that are
18 returning now with this Bill C-31 and -- do you know
19 what Bill C-31 is, who all the people are?

20 MADAM CHAIR: Yes, we have received a
21 description of the implications of that.

22 THE WITNESS: Yes, okay. So it's
23 increased in our community one third per cent. Of
24 that, there are perhaps only two to 300 people living
25 in that community, but we find very often throughout

1 the year the people from Toronto, our own band members
2 from Toronto, you name anywhere they are, in the United
3 States some of them, they will come home and it's one
4 of the very special times is November the 1st, the end
5 of -- and of, course, that's during moose hunting and
6 all the other -- and they do come home.

7 It's more or less -- it isn't any more to
8 the fact that they must go out and get the moose and
9 that the whole community gets a share of this, very few
10 people do that any more, they freeze it and they keep
11 it. There is no more of the traditional style of
12 sharing and smoking it and storing it for the winter.

13 The fish, because it isn't plentiful any
14 more, we have to go and buy it from outside or other
15 communities, other reserves. Does that answer your
16 question?

17 Q. In part. What I will do is this,
18 before I ask the Chair if she wants to open the floor
19 to other questions, do you have anything else you want
20 to say to the Board about timber management management
21 and the future of the forest in northern Ontario?

22 A. Well, I guess I hate to sound like a
23 broken record, but we can't bring back what the history
24 has been, but if it continues that way -- and one of
25 the things that I want to share with you, my great

1 uncle that I speak of he certainly must have had some
2 knowledge because he talked about that hole in the sky,
3 how we would say it in Ojibway, and if you don't look
4 after what you have - and he meant the environment - he
5 said that's going to get bigger and bigger and that
6 will be the end of all of you, you won't be -- I won't
7 see it, but you may perhaps and your children will.
8 Okay.

9 MADAM CHAIR: Will there be any questions
10 for Mrs. Shawana? Ms. Gillespie?

11 MS. GILLESPIE: No.

12 MADAM CHAIR: Mr. Freidin?

13 MR. FREIDIN: Just one minute. No
14 questions.

15 MADAM CHAIR: No, there won't be any
16 questions. Do you have any re-examination?

17 MR. ZYLBERBERG: Not if there are no
18 questions. Thank you for coming.

19 MADAM CHAIR: Thank you very much, Mrs.
20 Shawana, we appreciate you coming here today.

21 THE WITNESS: Thank you.

22 MADAM CHAIR: Professor Hodgins.

23 MR. ZYLBERBERG: He's the last witness we
24 have scheduled for today. We are prepared to proceed
25 at this time or later, as you may wish.

1 MADAM CHAIR: Why don't we get started.

2 MR. ZYLBERBERG: Dr. Hodgins, do you
3 prefer to swear or to be affirmed?

4 DR. HODGINS: Affirmed.

5 BRUCE HODGINS; Affirmed.

6 MADAM CHAIR: Thank you.

7 DIRECT EXAMINATION BY MR. ZYLBERBERG:

8 Q. Professor Hodgins, you're a
9 university professor by trade?

10 A. Yes.

11 Q. Where do you teach?

12 A. Trent University in Peterborough.

13 Q. I understand that you have a great
14 deal of experience in northeastern Ontario, in Temagami
15 region in particular?

16 A. That's right.

17 Q. And how long does that go back?

18 A. In a tenuous sense it goes back into
19 the 30s, the first times I was up there visiting at
20 various times and my parents went back into the
21 mid-20s, but myself, the main period is from 1956 at
22 which point my parents purchased Camp Wahnapiatae on the
23 north end of Lake Temagami which was then a boys,
24 became a coed camp and had a lodge at the north end of
25 the lake where the Anima Nipissing River flows into

1 Lake Temagami, and since '71 I've been the president of
2 the company that runs the camp.

3 Q. Are you involved in any community
4 organizations in the Temagami area?

5 A. Yes, I'm the past president of the
6 Temagami Lakes Association, past president of the
7 Association of Youth Camps on the Temagami Lakes, I'm
8 an elected board member of the Temagami Lakes
9 Association.

10 I have been on eight or 10 different MNR
11 committeess back over the last 10 or 15 years, public
12 committees and public consultation.

13 I was on the first part of the Temagami
14 study group, the Daniels Commission, and the peak of
15 the controversies in the late '80s and I'm now an
16 Ontario appointee to the Windobin Stewardship
17 Authority.

18 Q. I understand in addition that you
19 have written about Temagami?

20 A. Yes. My colleague Jamie Benedickson
21 and myself produced two years ago after about 15 years
22 of research and writing the book that you have over
23 there entitled The Temagami Experience, which is a
24 history of land use and land use controversies--

25 MR. ZYLBERBERG: Might that be taken as

1 an exhibit.

2 THE WITNESS: --connected with Temagami,
3 going back into the time period when only aboriginal
4 people lived there.

5 MR. ZYLBERBERG: That will be Exhibit
6 2185 I think.

7 THE WITNESS: Almost a memorable number;
8 isn't it. 2185.

9 MR. FREIDIN: Are there that many pages
10 to the book as well?

11 THE WITNESS: No. I assure you that
12 people have told me there are too many, but there are
13 not that number.

14 MADAM CHAIR: Yes. Exhibit 2185 will be
15 The Temagami Experience authored Professor Hodgins and
16 Jamie Bendickson and it is approximately 297 pages in
17 length with a long appendices.

18 ---EXHIBIT NO. 2185: Book entitled: The Temagami
19 Experience, authored by Professor
Hodgins and Jamie Benedickson.

20 MR. ZYLBERBERG: Q. Actually before I
21 ask you some specifics, can I ask you to talk generally
22 about your observations of the different attitudes
23 towards logging and timber management that you've seen
24 over the years in Temagami.

25 A. Okay. I think I do that with

1 emphasis on the word see. We can approach this topic
2 sort of from the documents and from seeing, and it
3 seems to me that the most important difference was one
4 that occurred in some kind of watershed in the 60s,
5 maybe the late 60s.

6 But if you read some of the literature on
7 it you understand that logging in northeastern Ontario
8 was very slow to become high technologically oriented
9 and that it was a winter cutting operation and people
10 lived in small, remote lumber camps and most of the
11 cutting was done in the winter and the drive was in the
12 spring either on the rivers or on the lakes using tug
13 boats to haul them to a suitable large number of small
14 mills and most of the method of lumbering was done by
15 high-grading, taking out the larger red and white pine
16 that wished to be used.

17 Now, there are people who argue that
18 there are some environmental damage done by that, but
19 certainly the feeling that existed amongst various
20 users at the time of what we called the wilderness in
21 an imprecise fashion was that there wasn't extreme
22 tension between the logging forces and the recreational
23 people, and maybe not even so much with the aboriginal
24 people, that it seemed possible for the various
25 interests to operate together without a devastating

1 impact upon the environment.

2 Even the chain saw only came in in the
3 50s. But the most important change came with the
4 development of trunk roads and access to the back
5 country that developed at the time, primarily in the
6 60s, and a fundamental change from a winter cutting
7 system to a year-round cutting system with emphasis
8 upon summer cutting and long hauls with most of the
9 work force living on the Highway 11 corridors, Highway
10 17 corridor rather than living in bush camps.

11 With the trunk roads came a different
12 approach to the environment because you changed in a
13 small but very significant way drainage systems,
14 rivers, swamps at least flowed the opposite way and big
15 culverts arrived. All kinds of people came in on the
16 roads, particularly accessing points that had not been
17 accessible by motorized vehicles before and put motor
18 boats on them, and also of course there was the vast
19 increase in the number of hunters that arrived in the
20 autumn to use the bush roads that took place.

21 And it seemed then that as you moved out
22 of 60s into the 70s that you increased the tension
23 between particularly those who were interested in the
24 wilderness experience, usually by canoe but there were
25 other -- some people were hiking and some people were

1 snowshoeing and some people were doing cross-country
2 skiing. There seemed to be quite a difference.

3 And you ended up before we were into the
4 middle of the 70s with people drawing up sides, in
5 which you found the logging interests on one side
6 frequently allied in some kind of tension with some of
7 the anglers and hunters, and on the other side the
8 wilderness exponents, the environmental groups and the
9 venture travel people who were concerned about
10 preserving a shrinking wilderness linked up with
11 environmental groups.

12 But it seemed to me that this impact
13 changed the nature either of the area fantastically,
14 Logging had been going on in various ways back into the
15 teens, in a large way in the Temagami section in the
16 20s. But if you go out of the Temagami towards Sudbury
17 the period of extension goes back much further, and the
18 tension built up only it seems to me after this
19 question of access becomes the central focus and after,
20 in fact, the roads change the watersheds.

21 And, in fact, you get the tension over
22 things like shoreline reserves and skyline reserves and
23 where people are going to cut and where people are not
24 going to cut because, in many cases, you're into
25 clearcuts, particularly clearcuts connected with what

1 we call pine stands of forest and a limited amount of
2 replanting and an awful lot of hope for natural
3 regeneration.

4 Q. And this takes us to the 70s and the
5 situation you describe, has it persisted from the 70s
6 until very recently or even until today's date, or
7 would the history over the last 15 years be one of
8 significant change?

9 A. It's one of increasing
10 intensification of lumbering use of the land and
11 increasing access to small back streams and lakes and
12 controversy over environmental practices connected with
13 logging. So it seems that the emotion increases with
14 only a very slow change in the practices of MNR.

15 I think there has been changes in the
16 last two or three years and I think that we're seeing
17 all kinds of other ones on the horizon, but whether
18 there is, in fact, a will to proceed with some of these
19 changes on the ground is still to be determined.

20 But I come back to the question of access
21 and the question of intensity of use and, of course,
22 the question that the taxpayers pay most of the cost
23 for the construction of the trunk roads into the forest
24 and pay 90 per cent of the cost on difficult sections
25 of the secondary roads, like culverts and over little

1 streams, so that you then end up, it becomes a severely
2 public issue in terms of expenditures of public monies
3 for one particular industry and we get into
4 controversies then over matters of what does the
5 meaning of multiple use of the Crown land really mean,
6 and I thought that was well described by two speakers
7 back. Multiple use doesn't mean using the same acre by
8 various interests.

9 Q. Can you slow down a bit and go
10 through some of these points in more detail. If we
11 take ourselves back 15 years ago, what role would MNR
12 have been seen playing in the tension that you
13 describe, the tensions between the industry and those
14 who wished to preserved the wilderness?

15 A. It's important I think to pick your
16 date and you've got that after L&F becomes MNR, so in
17 that period, the 70s, it's seems to me that it's
18 conscious to the public who are using the Crown lands
19 that there's extreme internal tension within the
20 Ministry of Natural Resources between the forest branch
21 or the forest connected branches and the other
22 branches, land or game or what not, that were on the
23 another side.

24 And in that kind of tension, which was
25 very obvious to the client I suppose, that the tension

1 existed, there nearly always was a supremacy on the
2 part of management toward a bias in the direction of
3 the forest companies, so that a kind of corporate
4 culture existed that seemed to mean that the people
5 policing the cutting practices were linked in so many
6 personal and social economic ways with the people who
7 were doing the cutting.

8 This then, I think on the part of other
9 members of user groups, increased the kind of tension
10 between the Ministry which had been perceived as
11 protector to the Ministry which was being perceived as
12 enemy. That's over simplified it and I admit it and
13 there are many cases where it's wasn't true and there
14 are many, many good people who are in the forest
15 branches, but I'm unfortunately over generalizing.

16 Q. I am going ask to you specifically
17 about road access in a little while, but before we get
18 to that specific, have you seen any change in MNR's
19 attitude over the past two years, three years, five
20 years?

21 A. Yes, I think there is, and I think it
22 relates to the strength of the aboriginal movement, I
23 think it relates to the strength of the environmental
24 movement, and it seems to me that some of the
25 controversies that got focused on the Temagami area

1 immediately west of where Camp Wahnapiatae is located
2 increased a sense of public awareness about what was
3 going on, and then I think there are many initiatives
4 of the new government that have -- that appear to be
5 moving in the direction of meeting some of the
6 complaints that I might raise.

7 Particularly the level of public
8 consultation has increased, the cessation of
9 clearcutting of pine, the setting aside of several of
10 the old growth forests, the establishment of the old
11 pine committees to look into a long-term policy for old
12 growth, and giving priorities to aboriginal,
13 traditional aboriginal use of the land. All these
14 things to me, it was too early to tell, lowered the
15 temperature of the controversy.

16 I mean, just a personal thing. I've been
17 privileged to be on the Windobin Stewardship Authority
18 which looks after the four townships which are at the
19 very crossroads of the controversies connected with
20 Temagami, is a step forward.

21 I should add as a down side to that, that
22 while we seem to have the total backing for the
23 Windobin Stewardship Authority on the part of
24 government at Queen's Park, many of the people close to
25 the ground in local Ministry of Natural Resources are

1 very reluctant to see us succeed because it is a
2 precedent and relates to management of the forest in a
3 very different way.

4 And I certainly think all these projects
5 that are in line for community run forests, et cetera,
6 are movements in the right direction as is the Windobin
7 Stewardship Authority where you've got a 50/50
8 Ontario/aboriginal body that will not only deal with
9 the forest but deal with the ecology of the whole area,
10 taking into account economic demands.

11 MADAM CHAIR: Excuse me, could I stop you
12 there, Professor Hodgins, and ask: You've been told of
13 several different groups operating in the Temagami area
14 with respect to citizen participation. The Windobin
15 Stewardship Authority --

16 THE WITNESS: Yes.

17 MADAM CHAIR: Which groups are
18 represented on that, and I would say that we've
19 received evidence from Mary Laronde with respect to the
20 Bear Island community?

21 THE WITNESS: There are six members
22 appointed by the Bear Island or the Teme-augama
23 Anishinabai community.

24 MADAM CHAIR And are you one of those
25 people?

1 THE WITNESS: I am one of the other six.

2 MADAM CHAIR: Appointed by...?

3 THE WITNESS: By the Province of Ontario
4 through the Honourable Bud Wildman, so I am one of the
5 appointees of the province.

6 Then there's a neutral chair that is
7 appointed was jointly appointed by Ontario and the
8 Teme-augama Anishinabai but of those six of us that
9 were appointed we come from a variety of backgrounds
10 and people had a variety of positions at the time of
11 the peak of the controversies in 1988 and '89 and we
12 were never told that we represented a particular
13 interest. We can guess what interest we represent, but
14 we effectively represent the people of Ontario.

15 MADAM CHAIR: And when we hear reference
16 to some aspect of the stewardship group is this the
17 only group in Temagami which is referred to as the
18 stewardship authority?

19 THE WITNESS: Yes. There is another plan
20 underway for the establishment of a community forest
21 under the federal and provincial initiative that
22 involves a whole lot of user groups. I don't think
23 that's what you're referring to.

24 MADAM CHAIR: No, I'm not referring to
25 the model forestry program.

1 THE WITNESS: No. And there are other
2 things like the -- organizations like the Temagami
3 Lakes Association and the Temagami Research Studies
4 Institute and things like that.

5 But there's nothing else other than the
6 stewardship authority that is in the Windobin that has
7 authority over four geographic townships just south of
8 the Lady Evelyn Smoothwater Wilderness Park and the
9 area where the east/west Red Squirrel/Liskeard Roads
10 were to have come together and the Goulard Road was
11 approaching within a kilometre of that as a T-junction,
12 but held back at the boundary.

13 MADAM CHAIR: And what is your
14 interaction with the comprehensive planning council, if
15 any?

16 THE WITNESS: There's one member of the
17 Windobin Authority who is also a member of the CPC and
18 that appears at the moment to be the only link. We are
19 led to believe, as is CPC, that they have no authority
20 inside our four townships.

21 I should point out that we have two grave
22 difficulties, one I alluded to a few minutes ago, and
23 that is that local MNR are now telling us, partially in
24 writing and fully verbally that we have no authority,
25 that in fact we are merely an advisory body because the

1 intent of the government as announced first in April in
2 1990 before the change of government and then confirmed
3 in May/June when the Windobin Authority was set up in
4 1991, has never been implemented either by
5 order-in-council or by statute as was provided under
6 the amendment to the Memorandum of Understanding, and
7 so within the last month our whole authority has been
8 challenged by local MNR which is strange in a democracy
9 where we're getting challenged, the civil servants are
10 challenging a decision taken by the Minister that says
11 that we do have the authority.

12 MR. MARTEL: You have spoken to the
13 minister, I presume?

14 THE WITNESS: We have written to the
15 minister.

16 MR. ZYLBERBERG: Q. Let me clarify. The
17 Windobin Stewardship Authority deals with four
18 townships?

19 A. Four townships, yes, which is not a
20 very large area, you know, it happens to be the area
21 that contains a lot of the old growth forest that was
22 under controversy in the Temagami area and was at the
23 centre where all these roads were coming together and
24 theoretically that means it blocks the completion of
25 the trunk road system, that many of us so opposed.

1 But in another sense it's only a tiny,
2 tiny part of what might very loosely be called the
3 Temagami country or the caymanan of the Temi-augama
4 Anishinabai.

5 Q. The comprehensive planning council
6 deals with two --

7 A. The wider area.

8 Q. And not those four townships?

9 A. As I understand it and as we
10 understand it, not those four townships.

11 Q. The Ministry thinks those four
12 townships are included in --

13 A. No, some personnel in the Ministry in
14 Temagami think it.

15 Q. Okay. And who makes up the
16 comprehensive planning council?

17 A. They are appointees from various
18 interest groups on the lake, provincial appointees from
19 various interest groups on the lake.

20 Q. And if we went back --

21 A. I shouldn't say on the lake, in the
22 area is a much better way of saying it. On the lake,
23 the Tri-towns down to North Bay.

24 Q. And if we went back before the
25 comprehensive planning council we would find the

1 Temagami Advisory Council?

2 A. That is correct. The comprehensive
3 planning council has a broader mandate dealing with not
4 just forestry and has a broader mandate to prepare a
5 plan for the area.

6 When I was thinking about things today
7 driving up here it's important for everyone to
8 understand that the Temagami area and the Highway 11
9 corridor in general do not have forest management
10 agreements and they were operating under the old Crown
11 management unit system and presumably the CPC is
12 fitting into this particular mold.

13 The CPC does not carry total sense of --
14 there are groups on the lake and in the area that don't
15 have confidence in the representative nature of the
16 CPC.

17 Q. We'll pick that up later, I just want
18 to make sure that I understand and the Board
19 understands who all these different groups are.

20 So the Temagami Advisory Council was
21 disbanded when the comprehensive planning council took
22 over.

23 MR. MARTEL: You need a score card to
24 keep track.

25 MR. ZYLBERBERG: Q. But it was sort of

1 rolled in to the planning council?

2 A. It was. At the very time when Milne
3 Lumber was shut down and the payment was made the road
4 construction was stopped and the promise was made to
5 establish the Windobin - it had a different name then,
6 it was just called stewardship council.

7 All those things happened within the same
8 week and the two keys dates are April of 1990, then
9 confirmed in May/June of '91.

10 Q. So now the Temagami area working
11 group is sort of the group that became the Temagami
12 Advisory Council which then got disbanded in favour of
13 these new groups?

14 A. There's a bit of a hiatus between the
15 first and the second because, as you know, John Daniels
16 wrote the report himself and signed it without any
17 members of the authority agreeing to the report and
18 submitted it in first the person plural.

19 Q. I just want to make sure that I've
20 got all these initials and all these groups in the
21 correct chronology, as to who they now are?

22 A. And that of course preceded the
23 confrontations on the Red Squirrel Road, the
24 establishment of the -- I mean, the study group was a
25 failed attempt to avoid what transpired.

1 MR. CASSIDY: Is that all in the book?

2 THE WITNESS: Alas, the one problem with
3 the book is it left my lands before the peak of the Red
4 Squirrel Road controversy, if you understand what I
5 mean. It doesn't have anything about the actual
6 blockades or anything.

7 MR. CASSIDY: I didn't mean to interrupt.

8 THE WITNESS: That was a good question.

9 MR. CASSIDY: I wanted to make sure that
10 was all in the book because, quite frankly, I'm having
11 trouble following this.

12 THE WITNESS: If I'm going too slow --

13 MR. CASSIDY: If I can read it later,
14 that's going to be helpful.

15 MR. ZYLBERBERG: Q. Before you get the
16 questions I want to ask you about access, let's go
17 through this chronology again. That in the beginning
18 there was the Temagami area working group, on the first
19 day that was created.

20 A. I have affirmed to tell the truth and
21 I can't answer that without saying in the beginning was
22 the land, the water.

23 Q. But the first of these groups was the
24 Temagami area working group?

25 A. If I'm not breaking my affirmation.

1 Q. Okay. And that existed basically
2 1978 -- '87, pardon me, '88?

3 A. (nodding affirmatively)

4 Q. It then became the Temagami Advisory
5 Council?

6 A. With a slight hiatus.

7 Q. Which existed from 1988 to 1990,
8 roughly?

9 A. '89.

10 Q. '89. And then from 1990 until now
11 there have been these two--

12 A. Yes.

13 Q. --the Windobin Stewardship Authority
14 which deals with the four townships and the
15 comprehensive planning council which deals with the
16 CMUs?

17 A. Is it possible for me to say there's
18 a profound difference between the two.

19 MR. FREIDIN: Between...?

20 THE WITNESS: Because the Windobin
21 Authority is a new experiment because it involves
22 co-management and the crucial thing is is co-management
23 and co-existence between the people of Ontario and the
24 aboriginal First Nations, and it's part of that whole
25 issue and, you know, the six plus six and it isn't --

1 it's Ontario and the MNR, we believe, and the
2 Teme-augama Anishinabai have given up their primary
3 responsibilities to this body called the Windobin
4 Authority which reports annually to the two
5 governments, the government of the Teme-augama
6 Anishinabai and the government of Ontario.

7 Now, we are still in the formative stages
8 of this kind of thing, but it is not the same as an
9 advisory council or a planning council or anything
10 else. It's a new departure from past practices.

11 MR. MARTEL: Except you are not sure what
12 authority you have?

13 THE WITNESS: That's right, sir. That
14 remains a problem that I'm answering differently than I
15 would have a two month or two ago.

16 MADAM CHAIR: Did you see any of the
17 evidence that Ms. Mary Laronde submitted last week?

18 THE WITNESS: I did not.

19 MADAM CHAIR: We received a large brief
20 on the background to this particular group and what you
21 have done with respect to working with MNR in the
22 field.

23 THE WITNESS: I probably have seen all
24 those documents, but have not seen the package that
25 Mary Laronde submitted.

1 MADAM CHAIR: We have also heard from Dr.
2 Brozowski.

3 THE WITNESS: Yes, of the CPC.

4 MADAM CHAIR: Yes. So I wanted you to
5 understand that we have -- it has been made clear to us
6 that there are differences between those organizations.

7 Mr. Zylberberg, is this a convenient time
8 to take a break?

9 MR. ZYLBERBERG: You read my mind. I was
10 just going to say that I was going to move on to
11 another area and suggest that this would be a
12 convenient time to take a break.

13 MADAM CHAIR: All right. Let's come back
14 then at 3:30. That will be 15 minutes.

15 MR. ZYLBERBERG: Sure.

16 ---Recess at 3:15 p.m.

17 ---On resuming at 3:30 p.m.

18 MADAM CHAIR: Mr. Zylberberg?

19 MR. ZYLBERBERG: Q. Mr. Hodgins, there
20 are a couple of areas that I want to cover with you.
21 One picks up on something you said talking about the
22 comprehensive planning committee -- or council, pardon
23 me.

24 I want to ask you about that because the
25 local citizen's committees that are now proposed for

1 timber management they are some vague resemblance to
2 that, they are not the same body. The comprehensive
3 planning council is an advisory, would that be right,
4 and not a decision-making body?

5 A. Yes.

6 Q. And who sits on that?

7 A. I can't give you the exact numbers.
8 I mean, I have seen the full list, but I can't say, but
9 is 12 plus a chair, but it has a lot of appointees from
10 a variety of interests spread out on the Highway 11
11 corridor.

12 It has no aboriginal representatives on
13 it. That may be because of the fact that it was
14 established at the time before the decision came down
15 concerning the land before the courts, but it has no
16 aboriginal components on it and it has no
17 representatives of the wilderness users and that's a
18 particularly serious problem.

19 It has some people who are lake users, et
20 cetera, but there is nobody representing what Hap
21 Wilson would have talked about this morning, people in
22 venture travel, and there are no representatives of the
23 youth camps and the venture travel and the youth camps
24 together make up the primary back country users.

25 There's a problem I think that to some

1 degree even the Windobin faces and that is it does not
2 have a body of expertise in terms of technical
3 knowledge or access to readily available material on
4 the latest of forestry. It's autonomous and this then
5 makes it very susceptible to -- no, perceived to be
6 very closely related to the Ministry of Natural
7 Resources' forestry branches and there is a very close
8 interlocking in terms of work schedules and documents,
9 et cetera, that flow from that very close relationship.

10 In Temagami now, it has a different
11 office. It has an office in what used to be the
12 municipal building and it has -- people have been
13 succeded to it, it's a tiny civil service, but it's
14 still perceived I think by people outside, and perhaps
15 unfairly, as being too much a front.

16 Part of the problem is the way these
17 things get appointed, the way these bodies are
18 appointed and you could argue the same thing, I
19 suppose, that the six of us could be criticized that we
20 were appointed by the province.

21 I'm glad I was, but to be candid, I mean,
22 the people of the old council that was defeated, the
23 municipal council of the Township of Temagami wrote a
24 protest-letter when the Windobin was established that
25 suggested that the representation was not accurate.

1 Now, I believe the Windobin
2 representation is very broad and accurate and I don't
3 think that the CPC one is, particularly it's missing
4 the back country wilderness users.

5 Q. To move from that to the subject of
6 your statement which is road access and the effects of
7 road access, can I ask you to generally give the Board
8 the perspective that you have towards road access
9 rather than asking you specific questions?

10 A. Yes. I don't have a three-page
11 statement 'I believe', but it seems to me that over the
12 last 30 years and particularly since the mid 60s that
13 access or that main trunk lines for the building, for
14 lumbering purposes have not sufficiently taken into
15 account the effect of this access on the ecology of the
16 area and on other users, and in fact it even changes
17 the tables, the water tables.

18 MNR has various regulations and
19 definitions of different roads, but if I can talk about
20 trunk roads are the primary ones that are there
21 semi-permanently or for a very, very long time; and the
22 secondary roads are the ones that go off for several
23 years, perhaps under the five-year plan or longer, 20
24 years, I would argue that some of them have been there
25 for 20; and the tertiary are for ones that are just for

1 cutting for one seasonal or for even a month or so.

2 It seems that in many cases those roads
3 then don't have gates on them and some organizations
4 don't want them to have gates. They tend to be open to
5 the public and the secondary and tertiary ones are
6 privately maintained then, and even these tertiary
7 things that go to within the shoreline limits are
8 upgraded slowly and in a haphazard way that four-way
9 vehicles and more can make them, and certainly ATVs,
10 and then they tend to break through the shoreline
11 reserve or the skyline reserve, short little
12 breakthroughs that the Ministry does not want, but they
13 happen anyway. They are first a trail and then they're
14 a wide trail and the next thing you know the vehicle is
15 right on the lake.

16 But the point is that it seems to me that
17 we need -- and I know this is contrary to the central
18 position of one of the other organizations that have
19 been making briefs here, but it seems to me that I
20 would start from the opposite end and say that we have
21 to be very careful about the building of roads and,
22 secondly, that they should not be open to the public
23 for use except after careful consideration.

24 I'm a martyr on the matter. I'm not
25 saying that roads shouldn't be open to the public. I'm

1 saying we start from the fact that they shouldn't be
2 open to the public and then we take an analysis of the
3 likely impact of opening those roads to public use
4 after, first of all, saying we need to cut down the
5 number that we have.

6 Also, we have to be particularly
7 concerned about the secondary and tertiary roads in
8 which those tertiary ones don't have any "improvements"
9 on them. They are just clearings and are very, very
10 rough and they would grow back into some sort of forest
11 pretty quickly if not maintained unofficially, but it's
12 easy for fishermen and hunters and other users, any
13 users, canoeists, who are trying to get road access to
14 an area to keep something like that open and change the
15 whole system.

16 So it seems to me that we have to make
17 sure that MNR has the will, the will to examine the
18 likely impact and to decide that if, in fact, in the
19 public interest they should open that road to public
20 use that they have the financial capabilities and the
21 financial -- and the emotional will to see that the
22 regulations are enforced and that the tertiary roads
23 will not be illegally kept up and that access to areas
24 that were not intended to be accessed will not be
25 allowed.

1 I don't think there have been many people
2 in the area that have been convicted of offences for
3 the use of these roads. Sometimes they have been
4 charged and nothing much has happened. I'm told that
5 indeed Mr. Goulard, one of the Goulard's was charged in
6 the mid 70s for using his own road for recreational
7 purposes, commerical recreational purposes, but I think
8 it is an extremely rare situation.

9 we have all kinds of evidence and
10 site-specific examples where access has gone where MNR
11 did not intend it to go and nothing was done to
12 enforce - I was going to say the prohibition and maybe
13 that's too strong a term - to enforce a non-intention I
14 guess is the better way of saying it, that I don't
15 think in many cases when the roads were built that MNR
16 intended many things to be accessed.

17 I think there are other problems too.
18 Some people got site specific. For instance, there is
19 the wilderness park that two speakers back talked
20 about. The Lady Evelyn Smoothwater was a very, very
21 important achievement of one of the most beautiful
22 areas in Ontario and the gate for that -- there was a
23 gate over the road just before the bridge in the Red
24 Squirrel River and that gate was put up at the time the
25 road was built before the park existed.

1 Then it became a river park, a waterways
2 park and the gate was right at the edge of this very
3 narrow strip of this park.

4 When the park in the early 80s then was
5 expanded into being a large territory, the gate stayed
6 at the place that it was before, not moved back to the
7 access into the park which meant that you could still
8 drive down to within the 300 metres of the river and
9 carry a 12-foot aluminum skiff and the motor boat down
10 into the middle of the wilderness park and start your
11 way down the river which was never intended, and the
12 gate is in the wrong place and the impact of that has
13 not been properly appraised and that became a major
14 issue earlier on before the Temagami study group and I
15 was told just this morning that that gate is still in
16 the wrong place and we thought it was going to be moved
17 last year.

18 I'm using examples to try to explain a
19 broader concept, but it does seem to me that we should
20 start with non-access and move toward access rather
21 than start at access and move the other direction.

22 Gates need to be enforced. We need to be
23 concerned about the question of ATVs and we need to be
24 concerned about the vast expansion in four-wheel
25 vehicles that can go on tertiary roads that are very

1 difficult and cause -- if they're used in the spring
2 when the frost is coming out they cause untold damage
3 to the land.

4 Q. You told us earlier that you have
5 seen changes, significant changes in attitude in the
6 MNR. Is this an area in which you have seen
7 significant changes in attitude, the appreciation of
8 the impacts of road access, the non-intended impacts of
9 road access?

10 A. Yes, I think it's -- it's sort of sad
11 that I've seen this profound change in attitude at the
12 same time as financial exigencies crush in on us and
13 ministries themselves are cut back in terms of the
14 number of people that they have to do monitoring.

15 I mean, monitoring of wilderness,
16 monitoring of the bush, forest landscape is a very,
17 very expensive thing to do and every road that's built
18 increases the cost of monitoring.

19 We get into the thing that the speaker
20 two persons back did about the increasing use of
21 leaving garbage, et cetera, in the bush. All that kind
22 of stuff that requires a very attentive and
23 intervention to MNR and every branch is cut back.

24 So the answer to me is, if it has to be
25 cut back then we have to be concerned about less access

1 and fewer roads open to the general public. I don't
2 think that's undemocratic. I don't think that there is
3 any God given democratic right to say that if a road is
4 built for the extraction of timber that, therefore,
5 people have the right to use it for other purposes.

6 MR. MARTEL: But that was a fight in the
7 earlier years for specifically that reason, it was
8 opened up because people were complaining they didn't
9 have access and there was government money involved.

10 THE WITNESS: I understand it and it's a
11 dilemma that you have to deal with and I don't pretend
12 that there is a simple answer. You know, every man's,
13 every woman's wilderness is not a wilderness.

14 I'm not using wilderness in any pure
15 sense. I, frankly, prefer the word bush and I'm not
16 offended by the word multiple use so long as multiple
17 use is understood that it doesn't mean the same acre is
18 used for everything.

19 I think I'm taking a moderate position on
20 this and arguing that we must be much more conscience
21 of the fact that every road that's built and every
22 access has profound impact and changes not only the
23 environment, but changes the use, changes the
24 aesthetics of an area and changes the economic life of
25 an awful lot of people and it needs to be taken into

1 account very seriously.

2 MR. MARTEL: How do we deal with a
3 public -- we wouldn't have a problem with garbage, for
4 example, if the public didn't have the attitude that it
5 can just dump anything it wants anywhere.

6 How do you convince the masses that it is
7 just not right?

8 THE WITNESS: We do a better job as
9 teachers, Mr. Martel.

10 MR. MARTEL: Well --

11 THE WITNESS: I'm being facetious.

12 MR. MARTEL: I think some change came
13 when teachers at the elementary level started to teach
14 that you couldn't throw things out the car window as
15 you were going along, but how do you convince the
16 public not to be so --

17 THE WITNESS: It's a combination of
18 teacher and education on the one hand and the visible
19 presence of the law on the other in which we go both
20 directions, and it's not going to ever succeed
21 completely.

22 There is a fact that we have to talk
23 about mea culpa. In the Lady Evelyn watershed, before
24 that park was established back in the 50s when I first
25 canoe tripped in there, it was official policy

1 sanctioned by the Ministry of Lands and Forests that
2 there was what they called a can dump at every camp
3 site and, you know, the cans which we ate out of, when
4 we finished eating them and they were supposed to go in
5 the fire and then we, I, tossed them into a can dump
6 and left them there. I mean, we did that in the 1950s.

7 At Wahnapiatae, you know, I start
8 pre-camps by saying we changed, we all have to change
9 and we have to change a lot more and MNR and youth
10 camps hauled that stuff out of there in the 70s, you
11 know, old cans, but cans you know rot after "x" number
12 of years and glass jars don't. Most of those things
13 were cans.

14 We are making headway on it, it seems to
15 me. We are making headway. The greater the use of an
16 area, if the education doesn't keep up with it and if
17 the visible presence of the law is not there, we have
18 got to deal with it.

19 That's why I'm saying access is so
20 important, that access is not a simple thing. It's not
21 just a simple thing by saying: Well, the road was
22 built by the taxpayers or half by the taxpayers,
23 therefore, everybody has right to use it unless we're
24 aware of what impact that that will create.

25 MR. ZYLBERBERG: Q. In your statement

1 you make reference to situations in which small
2 operators or subcontractors didn't live up to promises
3 they made and to the rules--

4 A. Yes.

5 Q. --that had been set down. Is this
6 something that you saw on one occasion or is this
7 something that you have seen --

8 A. On several occasions.

9 Q. Recently or do we go back a long way?

10 A. These are in the 80s. I hasten to
11 add with Fred McNaught present at the back that it did
12 not take place with Milne Lumber. I'm not referring to
13 Milne.

14 I'm referring to small operators or
15 jobbers that were doing cuttings in the mid 80s, in the
16 late 80s that, in fact, either the company would
17 disappear, go bankrupt, vanish -- the same thing
18 happened with the mining problems, right. It's
19 extremely difficult when a small company comes and goes
20 to deal with the clean-up matter.

21 So in many cases projects were not
22 completed. What might appear to be minor violations
23 carried on and when there was an attempt to deal with
24 enforcement there was nobody there to enforce it.

25 The one that I talked about a lot is

1 called the Charles Brown cut north of Lake Temagami on
2 Little Eagle Lake and two-thirds of that contract was
3 completed and the last third was never started with the
4 result that the action never -- the plan was never
5 finished and, therefore, the reclamation and the
6 replanting or whatever process was going to follow
7 never took place.

8 So to this day, and I was out there only
9 a month ago skiing, there's still this wide expansive
10 16 hectares or more in which nothing was done to the
11 land in the great pine forest. No planting, nothing.
12 The company is gone; it doesn't exist.

13 Other cutters that I know of, they will
14 bulldozer before lunch, you know, crash through to a
15 little lake and they had lunch down there, you know,
16 and that is access for a motor boat to the present
17 time. Nothing was ever done. When skyline or
18 shoreline reserves are violated in what appears to be a
19 relatively minor way, you can't put the trees back up
20 again. They're gone.

21 Q. Also in your statement when you talk
22 about access roads you say that you know of access
23 roads to the back country which the MNR didn't
24 recognize. These days when they do their mapping do
25 they include all the actual access routes?

1 A. Which level of mapping?

2 Q. The mapping that then goes to public
3 consultation.

4 A. Not in the mapping that's public.
5 Not in the official Ontario maps, but I think there are
6 maps that exist in MNR offices, the non-technical maps
7 in which most of those roads are on them, but sometimes
8 those of us that canoed the back country can point out
9 roads that are not on those maps because they're not
10 there officially.

11 It's amazing when you realize how hard it
12 is to maintain a good road in northern, how easy it is
13 to keep a tiny tertiary road sufficiently open to allow
14 four-wheel vehicles and ATVs to access areas that were
15 not meant to be accessed.

16 To return to the question that Mr. Martel
17 asked on the matter, there is also the question that
18 maybe some people believe that every lake should be
19 accessed and it seems to me that that's not the case
20 and that part of it I think is that MNR needs to
21 tighten up on its regulations and its road construction
22 but, secondly, it needs to enforce the situation to
23 make sure that there is not access to areas that were
24 not meant to be accessed.

25 Q. Before I ask the Chair to open the

1 floor to other questions of you, is there anything else
2 you would like to tell the Board, anything that I
3 haven't asked you that you want to make sure they hear?

4 A. No, I don't think so.

5 MR. ZYLBERBERG: Okay.

6 MADAM CHAIR: Are there any questions for
7 Professor Hodgins?

8 Mr. Cassidy?

9 CROSS-EXAMINATION BY MR. CASSIDY:

10 Q. Professor, do you know a gentleman
11 named Ron Magee?

12 A. It's not Bob Magee, MNR general
13 manager?

14 Q. No, Ron Magee.

15 A. I don't think so.

16 Q. My understanding is that Ron Magee
17 who has been a witness before this Board is or was a
18 member of the Windobin Stewardship Authority. Does
19 that help you?

20 A. No, he was not.

21 Q. Okay. And he has never been?

22 A. No, but maybe he was on CPC.

23 Q. Okay. I am interested in the make-up
24 of the Windobin Stewardship Authority and I think you
25 indicated that you were able to guess as to what the

1 interests are of the various representatives, although
2 it was never officially told to you?

3 A. Yes.

4 Q. Can you guess if there was anybody on
5 that authority who would be considered to be or you
6 would consider to be a representative of the forest
7 industry?

8 A. Definitely.

9 Q. Who is that?

10 A. Terry Frisset.

11 Q. Who does he work with?

12 A. He's the Reeve of Elk Lake and he's
13 involved in -- directly in forestry as a jobber
14 including doing an awful lot of work south on the
15 Liskeard Road that went through the park and into the
16 area adjacent to the Windobin south of the park and
17 west of Obabika, between Obabika and Florence.

18 Q. In your view he is not there as a
19 representative of the community of Elk Lake?

20 A. No, but I can't prove that fact.
21 That's why I say --

22 Q. Sorry, I thought you said definitely.
23 That's where I was having trouble.

24 A. You asked me whether there was
25 anybody that I could identify as being a

1 representative. None of us are spokespersons in an
2 official sense.

3 Q. I understand that.

4 A. So after answering that, his position
5 would definitely answer my initial statement and Elk
6 Lake still perceives itself as a community primarily
7 concerned about the future of forest extraction in the
8 area, though the recreational lobby is increasing.

9 If I could be allowed by the panel to
10 mention that maybe it hasn't been heard, but during the
11 peak of the controversies the two areas where the most
12 emotions existed in the communities were River Valley
13 in the south which had the added dimension of being
14 francophone and the wilderness tended to be anglophone,
15 and in the north, Elk Lake, where canoeists were really
16 very badly treated by the merchants and by the folk of
17 the town.

18 I at one time with children was refused
19 service in the only gas station there. I had two
20 vehicles and had to find gas in the middle of the bush
21 toward Gowganda at a lodge because -- and this chap's
22 property backs right on the McCobe River which has now
23 been designated as one of the great wilderness travel
24 areas, and he says he won't have anything to do with
25 canoeists.

1 This is the community that Terry
2 represents and represents well, but he clearly sees the
3 future in terms of logging.

4 Q. Is that because the - help us here if
5 you can - community of Elk Lake in fact is what one
6 might consider to be a forestry-dependent community, it
7 heavily depends on the sawmill in that area?

8 A. Yes.

9 Q. And there is limited tourist
10 opportunities in that area from the community's
11 perspective --

12 A. I might have said no, but you added
13 the clause at the end. You said from the community's
14 perception.

15 Their other future has -- they haven't
16 quite grasped that. That other future has a downside.
17 Of course, those communities started off not as lumber
18 towns, but as connected with the silver, gold rush that
19 popped around in the arc from Cobalt to Elk Lake to
20 Gowganda and Gogama and that whole silver cycle before
21 the first world war.

22 Q. How many people live in Elk Lake?

23 A. It is under a thousand. It's called
24 James Township, by the way, officially.

25 Q. Right. Does the Windobin Stewardship

1 Authority have any staff?

2 A. It has one person.

3 Q. And you get an annual budget
4 allocation from the provincial government, do you?

5 A. One word is yes, but it's also we've
6 got one annual grant.

7 Q. What was that in terms of dollars?

8 A. About a quarter of a million of which
9 a lot of it is going -- we just recently started up
10 activities connected with research. Most of these
11 activities happened in the last two months.

12 Q. That quarter of a million was for
13 1991?

14 A. Yes, '91/2.

15 Q. Right.

16 A. The fiscal year that just ended.

17 Q. Do you expect funding for the 1992
18 year?

19 A. Yes, we submitted the budget and
20 haven't got it back.

21 Q. How much are you asking for?

22 A. About a third of that.

23 Q. I'm sorry?

24 A. About a third of a million.

25 Q. Okay.

1 A. I don't want to be held to that, to
2 the exact figure.

3 Q. That's your best belief, right?

4 A. Yeah.

5 Q. All right. You were talking about
6 four-wheel vehicles and the concern that they are the
7 same thing as ATVs, right? All terrain vehicles and
8 four-wheel vehicles --

9 A. No, they are two different things. I
10 tried to make them...

11 Q. Okay. Is it your experience or has
12 it been your experience that roads that one would have
13 thought were closed to the point where culverts were
14 removed, in fact, have culverts reappearing in them and
15 tend to get built back up? Have you ever experienced
16 that situation?

17 A. I have experienced that. I still
18 think that it is a deterrent that's fairly powerful.

19 Q. Right.

20 A. And many times they're back up, the
21 bridges are made that I would not travel on.

22 Q. The reason I ask is my client is very
23 sympathetic with that information you've just given the
24 Board because it tends to get blamed for roads getting
25 removed.

1 But it is amused at the ingenuity of
2 people putting them back in, and I was curious if you
3 had a similar experience in the ability --

4 A. Yes, sometimes it works, sometimes it
5 works. The interesting thing is when it does work.

6 Q. When what works?

7 A. Taking out the culverts.

8 Q. Yes.

9 A. You then end up with good public
10 relations because you've got a magnificent skidoo track
11 in the winter, you've got a lovely cross-country
12 skiing, you've got hiking trails, et cetera. There may
13 be a downside to that, but in terms of the public it's
14 not a downside.

15 Q. All right. Just a couple of final
16 questions. In your witness statement I asked you an
17 interrogatory about this about -- you called 2,4-D
18 agent orange and I asked you what your reason for
19 believing that was, and in an interrogatory response
20 you said that you were told in the past that the
21 chemical used in the past was 2,4-D and 2,4,5-T.

22 A. Yes.

23 Q. My information is that that
24 combination of chemicals has not been used in the
25 Province of Ontario for some 20 years and that 2,4,5-T

1 in particular in itself is no longer used, in fact it
2 is no longer registered.

3 A. Well, it's kind of ironic because at
4 that particular moment Mr. Martel and I were together
5 at the time of the incident involving the pilot, and
6 the Ministry of Natural Resources officials at that
7 point specifically said that it was 2,4-D and the other
8 one, and they said that, as you know, and we did then,
9 we thought, that this was the same chemical that was
10 then defoliating Viet Nam. Of course they emphasized
11 that it was in diluted quantities, tremendously diluted
12 and that there was fuel oil.

13 Q. I'm sorry, that wasn't my question.
14 My question was subsequent to that date, the last 20
15 years. I understand that incident occurred in the late
16 60s.

17 A. '73 or two.

18 Q. All right, '73.

19 A. Or two.

20 Q. That's about 20 years ago. I'm
21 asking you about--

22 A. I do not know that.

23 Q. ---the current status of 2,4,5-T.

24 A. I'm sorry, I do not know the answer
25 to that.

1 Q. All right. So that in fact when you
2 say that 2,4-D is agent orange, you were talking about
3 it in the context of 20 years ago?

4 A. I was talking about it definitely in
5 the context of 20 years ago.

6 Q. When there was that combination being
7 used?

8 A. Yes.

9 Q. All right. So that if I were tell
10 you that the evidence before this Board is that 2,4,5-T
11 is no longer and has not been used for some 25 years,
12 that combination has not been used for some 25 years,
13 you are in no position to dispute that?

14 A. I am in no position to dispute that.

15 MR. CASSIDY: Thank you. And then those
16 are my questions.

17 MADAM CHAIR: Thank you very much, Mr.
18 Cassidy.

19 Do you have any questions, Mr. Freidin?

20 MR. FREIDIN: I do.

21 CROSS-EXAMINATION BY MR. FREIDIN:

22 Q. I want to try to clarify your
23 comments, Professor Hodgins, about MNR staff at the
24 local level not wanting you to succeed.

25 A. This is my verbal comment.

1 Q. That was what you said today. And I
2 take it that when you said, referring to do not want us
3 to succeed, you were referring to the --

4 A. Windobin.

5 Q. Windobin Stewarship Council?

6 A. Mm-hmm.

7 Q. And could you please describe for me
8 the circumstances in which that view or that
9 interpretation was made by you?

10 A. It's a difficult question but a
11 legitimate one, and I said that it was an opinion
12 rather than a provable fact.

13 Q. All right. Now, it's an opinion and
14 I want you -- could you expand on that, why it's your
15 opinion and why it's not a provable fact? What's the
16 difference you make between those two things?

17 A. Yes, I have to go into several
18 incidents. Comments have been made by staff members of
19 MNR to us and to various members that the Windobin is a
20 temporary aberration on the scene, comments have been
21 made that -- well, recently, that we have absolutely no
22 authority, we're only an advisory body.

23 Other comments that we have no right
24 to -- there was a blow up in the summer in August at
25 the only big public meeting of the Windobin Authority

1 where the MNR district manager was present and there
2 was a great deal of emotion because we had been asked
3 to use -- MNR had asked us if we would allow two
4 companies to use roads inside the Windobin to loop in
5 and out back into ordinary Crown land to do a clean up
6 operation which was completing a cut and doing some
7 planting work.

8 Q. This was work that was going on
9 outside or inside the stewardship area?

10 A. Outside of the area.

11 Q. They wanted to use the roads --

12 A. They wanted to use the roads that had
13 been stopped in the middle of the political
14 controversy, right, but nevertheless had been partially
15 completed and with virtually no further maintenance
16 could be used, okay, to loop in and out, one in the
17 south and one in the north east of the Windobin area.

18 Q. And the political controversy you're
19 referring to is the Red Squirrel Road or something
20 else?

21 A. Yes, the Red Squirrel Road the,
22 controversies in the cessation of work on the road in
23 April of 1990.

24 Q. Okay.

25 A. And in this public meeting there was

1 a great deal of debate about forest practices in the
2 timber region, it became an open public debate on the
3 matter of forest cutting practices that had existed in
4 Temagami over the last 10 or 15 years and there were a
5 lot of people in the public getting up and making very
6 emotional speeches about how bad things had been, even
7 if they were now improved.

8 And the Ministry became extremely irate,
9 officials, and said that we had no business dealing
10 with this particular matter, that it was in fact the --
11 word was used was, a set up to embarrass the Ministry
12 of Natural Resources and that, in fact, our only
13 concern was the issue of whether we would allow them to
14 use the road?

15 They said if you refuse to let us use the
16 road we will build a new road just outside of the
17 territory to complete the job and that will cost the
18 taxpayers a great deal of money and will accomplish
19 nothing from your point of view.

20 We agreed to the use and the issue
21 passed. We agreed to the use of the roads in the
22 corners of the Windobin to access cutting outside of
23 the Windobin.

24 But it was done with a considerable
25 amount of reluctance as to whether in fact we were

1 fulfilling our mandate to do that, but the point is
2 that the comments that were made and the statements
3 that were made from that moment on were that the
4 Windobin idea was not a good idea and that it was a
5 temporary thing and that as the province moved toward
6 the CPC and towards -- to implementation of the future
7 plan of the comprehensive planning council and toward a
8 final agreement with the Teme-augama Anishinabai that
9 the Windobin wouldn't have no future role, certainly in
10 that area.

11 Q. In the area --

12 A. Of the four townships. All right.
13 Then in the last month when it finally came - and I
14 hate to go into the detail but I will - there was an
15 area -- in the Windobin there is an area that is part
16 of Lake Temagami. The province insisted on following
17 the township boundaries rather than watershed
18 boundaries as the Teme-augama Anishinabai wanted.

19 Q. That followed what?

20 A. That followed four geographic
21 townships instead of following the squiggly lines that
22 you might follow for watersheds or for Teme-augama
23 Anishinabai hereditary --

24 Q. Who did that and when?

25 A. When the Windobin was established it

1 was these four geographic townships.

2 Q. Okay.

3 A. In May of '91 but the plans had been
4 laid in April of '90. So there are cottagers that
5 lived in that area and there was an American by the
6 name of Bates who wanted to build a deck for his
7 cabin -- for his cottage and this deck was perceived by
8 the Temagami Planning Board as a dock and is
9 technically violating the plan.

10 Now, this is not important but I have to
11 just lay the fact that the Temagami Planning Board on a
12 divided vote reluctantly rejected this man's request to
13 be able to make the construction.

14 Q. Right. I just stop you there. The
15 Temagami Planning Board--

16 A. Yes.

17 Q. --is something different than...

18 A. I hate to do it to you, but it is.

19 Q. No, no, no.

20 A. I didn't make them all up.

21 Q. It's different than the Windobin
22 Authority?

23 A. It's been different than anything we
24 have mentioned today.

25 Q. It's different than the comprehensive

1 planning authority.

2 A. You better believe it.

3 Q. All right. And it's in --

4 A. All right. Please, two sentences and
5 I'll tell you, okay.

6 The Temagami Planning Board is one of the
7 few bodies in Ontario that represents both a municipal
8 area, the government -- the Municipality of Temagami
9 Township and the unorganized area of Lake Temagami, and
10 the Township of Temagami people are named by the
11 township council and the provincial -- the people in
12 the unorganized area are named by the Minister of
13 Municipal Affairs to the Planning Board.

14 I was on that for eight years, I didn't
15 mention that earlier when you asked me. All right.

16 So that Temagami Planning Board, okay,
17 then had - I wasn't on it at that point - it rejected
18 this chap's request on a technicality to deal with this
19 sun deck which was allegedly a dock. Okay.

20 He then -- as soon as the planning board
21 had made that statement, the next month we were set up
22 as the Windobin, okay, and the Windobin Stewardship
23 Authority met in the summer, Bates came and made his
24 presentation, there were several members of the
25 Planning Board present and we authorized him, he

1 already had it one third built, to complete the
2 project.

3 Q. Where was Bates' cottage in relation
4 to --

5 A. In Sharp Rock --

6 Q. No, in relation to the Windobin area?

7 A. Inside the Windobin area but also on
8 Lake Temagami.

9 Q. All right.

10 A. Inside on an island in Sharp Rock
11 Inlet, the only inlet in Temagami that's in the
12 Windobin.

13 Q. So the Windobin Authority then issued
14 authority --

15 A. For him to complete the project.

16 Q. Right.

17 A. Which he did. We also made an
18 agreement with the Timber Planning Board that they no
19 longer had any authority in the area because it was now
20 under the Windobin.

21 Q. Right.

22 A. One month ago the Ministry of Natural
23 Resources wrote to Mr. Bates telling him that he had no
24 right to complete the project and that he had to secure
25 permission from the Temagami Planning Board, carboned

1 the Windobin Authority and on phone call conversation,
2 which I can't verify, the official in the Temagami
3 office said: I guess that stirred up MNR, I guess that
4 stirred up a hornet's nest but as far as we are
5 concerned the Windobin Authority has no power and is a
6 temporary phenomena.

7 Q. All right. Now, you made a comment
8 that legislation of some sort was contemplated at the
9 time that the order-in-council was passed setting up
10 the Windobin Stewardship Authority; is that right?

11 A. I believe as far as our evidence
12 indicates we know what legislation was planned, Bud
13 Wildman told me personally it was, and it was stated in
14 the document that it was planned.

15 I don't think an order-in-council was
16 ever passed. As far as I know it was a ministerial
17 order coming from the minister who holds both hats, MNR
18 and ONAS, you know, the Native Affairs Secretariat, and
19 that it's operating under an ministerial order and an
20 order-in-council of the Teme-augama Anishinabai, but
21 that we have that power now, but MNR is now acting as
22 if we do not have that power.

23 Q. And in the instance that you are
24 relying on to take that view is the issue of Mr. Bates'
25 deck?

1 A. And the earlier argument concerning
2 our power related to the road, to the use of the roads
3 and also a great deal of chatter about Temagami.

4 Q. All right.

5 A. Chatter which is quite reliable. I
6 mean, it's coming from employees of MNR, two people who
7 are on the Windobin Authority.

8 Q. Chatter in the bar, you mean?

9 A. In various places.

10 Q. All right. When you said that there
11 was this blow up in the summer about there being no
12 right to talk about something, was that a concern about
13 a discussion of cutting practices in the Temagami
14 district.

15 Are you indicating yes?

16 A. I'm indicating yes. A lot of this
17 comment was not coming from the Windobin but from the
18 members of the public. You understand, that if you
19 have a meeting in the summer on Lake Temagami you're
20 going to get 50 or 60 people who are cottagers and
21 canoe trippers and stuff like that who are users of the
22 area with a lot of experience going back many years,
23 and most of them were in the audience and they were
24 extremely critical of the Ministry and obviously this
25 was embarrassing to the new district manager.

1 MR. MARTEL: Is that why there are so
2 many district managers here?

3 THE WITNESS: Yes, and why they turn over
4 at Temagami so quickly.

5 MR. MARTEL: It's like musical chairs.

6 MR. FREIDIN: Q. The comprehensive
7 planning committee --

8 A. Council.

9 Q. Council. You made the comment that
10 the Natives are not represented on that particular
11 council. It's my information, sir, that they were in
12 fact asked to be part of that council but they
13 declined?

14 A. I believe I stated that. I said
15 that -- my comment was they were not on it, that
16 remains a problem, and when they were offered to be on
17 it it was in the midst of the matter when it was sub
18 judica in terms of the Supreme Court and they were
19 advised not to go on it. So I agree with you.

20 Q. Okay.

21 A. It doesn't mean that it isn't
22 unfortunate.

23 Q. Now, I would like to refer you, if I
24 might, to an answer you gave to some interrogatories.
25 Professor Hodgins, just one matter before we get to the

1 interrogatories.

2 If we were looking at a piece of paper, I
3 understand that you sort of said the whole piece of
4 paper was the area of the Temagami -- pardon me, the
5 comprehensive planning--

6 A. Council.

7 Q. --council, that the Windobin
8 Stewardship Authority is sort of in the middle of that
9 somewhere?

10 A. (nodding affirmatively)

11 Q. And I understand that you have
12 provincial parks which are partly within and partly
13 outside of the Windobin Stewardship Authority?

14 A. The Windobin Stewardship Authority --
15 the answer in one word is, yes, but if you allow me,
16 it's not inside Lady Evelyn Smoothwater Wilderness
17 Park. As part of the arrangement made in '90 was to
18 create these little narrow river parks and lake parks
19 to string out from the Lady Evelyn Smoothwater and one
20 of them is on a major canoe highway that goes smack
21 through the the middle of the Windobin Authority.

22 Q. I'm asking these questions because
23 you made a comment earlier about the Windobin Authority
24 having sort of exclusive jurisdiction in the four
25 townships.

1 A. Yes.

2 Q. And I just want to confirm with you
3 or get your views on whether there's a need for that
4 Windobin Stewardship Authority to consult with -- to
5 cooperate with the comprehensive planning council in
6 relation to matters which I guess could cause them
7 joint concern.

8 I made a little list here of things such
9 as fish management on lakes which extend from one area
10 and into the other, rivers that flow through both
11 areas, the same river, canoe routes which in fact have
12 been traditionally used and which go through both
13 areas, habitat management in terms of wildlife would
14 have to be some sort of cooperation between the two
15 areas.

16 Do you agree that all those sorts of
17 issues using have to be dealt with by the two groups in
18 some sort of cooperative way?

19 A. Yes, but with difficulty because an
20 awful lot of the area of the Windobin Authority is
21 water.

22 Q. Thank you. I didn't say it would not
23 be difficult, I'm just saying that's a reality.

24 A. It's definitely a reality.

25 Q. And when that happens, would you

1 agree that there is the potential, not by design, but
2 the potential that conflicts or misunderstandings may
3 occur or issues may arise as to exactly where you draw
4 the line on where the authority lies ultimately to deal
5 with that particular issue, where you've got things
6 like rivers going through?

7 A. Yes. If I could make two further
8 comments on that. And, first of all, I personally
9 believe it was a mistake to follow township lines,
10 these are just lines on a map, they are not political
11 at all, they're just squares.

12 In establishing the boundaries of this
13 authority it would have been much better to have done
14 what the Teme-augama Anishinabai wanted to do, which
15 was to have a slightly larger area and to have an area
16 that related to either natural boundaries or hereditary
17 family hunting territories. - And, by the way, those two
18 things are almost the same because those natural
19 boundaries would be the same.

20 We have picked a very awkward land
21 framework, right, in order to deal with these kinds of
22 things, which is unfortunate.

23 Q. But given the reality framework which
24 has is in fact been put in place --

25 A. But, again, it suggested that the

1 boundaries may be changed in the near future, that was
2 in the agreement. And MNR could, I suppose, take from
3 that that not only could they be enlarged to be made
4 more logical, but they also could be made smaller, I
5 guess.

6 But, yes, I think that there are fairly
7 serious issues. There are other things. We don't
8 know, for instance, whether the establishment of the
9 Windobin Authority eliminated the parks, these river
10 parks that pass through the territory and, again, that
11 comes back to the question that presumably MNR says
12 they have not been eliminated and some of the
13 Teme-augama Anishinabai believe that they have been
14 eliminated.

15 Q. Right. That's what I'm saying, these
16 are new approaches which are being taken particularly
17 in this area and I'm saying, that being the case, it's
18 not unexpected that issues like this would arise from
19 time to time and would have to be addressed.

20 A. Yes. I don't think they yet are
21 being; in other words, I would not therefore follow
22 from that that it's because of this that we've had
23 these other two problems, but I agree with you totally.

24 There's also the question that on Crown
25 land in unorganized areas the landowner pays the tax to

1 the Ministry of Natural Resources in lieu of municipal
2 levied taxes and while the amount is not large there is
3 this year the question since we've been told that we
4 have to start raising money, there is the issue that we
5 believe, sir, that the taxes going to the MNR from the
6 landowners in the area should be coming to the
7 Windobin.

8 Q. Okay. Now, let's go to your
9 interrogatory responses, if I might, page 2 of the
10 interrogatories which --

11 A. I've got them here in a little
12 different format. But what is it, No. 12. What is it?
13 What's the question. I'll try to find it.

14 Q. It's on page 2 in relation to your
15 page 5, paragraph 14.

16 A. I've got just 14, it says page 8.

17 MADAM CHAIR: Can you repeat that, Mr.
18 Freidin, please.

19 MR. FREIDIN: Page 2 of the interrogatory
20 responses that were filed as an exhibit.

21 THE WITNESS: Got it. Got it.

22 MR. FREIDIN: Q. And it's in relation
23 to --

24 A. My response starts off:

25 "Such occurrences existed...?"

1 Q. That's right.

2 MADAM CHAIR: We still can't find it, Mr.
3 Freidin.

4 MR. ZYLBERBERG: Let's try --

5 MADAM CHAIR: I'm in Exhibit 2180.

6 MR. ZYLBERBERG: Yes.

7 MR. MARTEL: What page?

8 MR. ZYLBERBERG: These were separate and
9 they came later and I'm not sure that we did file them.
10 So if we didn't, let's do that now.

11 MR. MARTEL: Because our page 2 is a list
12 of witnesses.

13 MADAM CHAIR: So the interrogatory
14 responses of Professor Hodgins are not contained in
15 Exhibit 2180?

16 MR. ZYLBERBERG: No.

17 MADAM CHAIR: Okay.

18 MR. ZYLBERBERG: They were faxed to your
19 administrative offices subsequently. Let's find one to
20 give you.

21 MADAM CHAIR: Hold on here. I think we
22 have found them.

23 MS. LLOYD: That's it.

24 MADAM CHAIR: All right. This is dated
25 April the 8th.

1 MR. ZYLBERBERG: Yes.

2 MADAM CHAIR: And it's Professor Hodgins
3 interrogatory responses. All right, we will give this
4 another exhibit number. All right, Exhibit 2186 is
5 Professor Hodgins interrogatory responses as part of
6 his witness statement, which is Section 12 of Exhibit
7 2179.

8 ---EXHIBIT NO. 2186: Interrogatory responses of
9 Professor Hodgins re: Section 12
of Exhibit 2179.

10
11 MR. FREIDIN: Q. In the interrogatory
12 response, Professor Hodgins -- well, first of all, we
13 asked you the question in relation to a quote which is
14 set out where you say -- you made reference to
15 clearcuts were not replanted, you said you saw horrible
16 pine and hardwood logging practices.

17 You were asked to provide details
18 concerning the dates and locations of those occurrences
19 and you were good enough to do so in the two paragraphs
20 of the response.

21 In the first paragraph you make reference
22 to, in the last sentence:

23 "Many of the bare granite ridges and
24 devastated areas have been photographed
25 many times by myself and other observers

1 and activists."

2 When you refer to granite ridges, are you
3 talking about areas which have exposed bedrock?

4 A. Yes.

5 Q. And --

6 A. These were -- by the way, to be
7 absolutely up front about that, the pictures of these
8 exist in the collections of the Temagami Wilderness --

9 Q. Wilderness Society?

10 A. Society, Temagami Wilderness Fund and
11 many other organizations. They were publicized very
12 much at the time of the political activities but
13 particularly in '87 and '89 we engaged in overflights
14 and identified several of these ridges.

15 Now, I'm not suggesting, sir, that these
16 were done in the last two or three years. We're
17 talking about activity primarily off the Liskeard Road,
18 primarily off the Liskeard Road back before the peak of
19 the controversy and the other area that -- you know,
20 the cuttings in the 80s that I alluded to about half an
21 hour ago, the Charles Brown cut by Little Eagle Lake
22 and also the cuts that started off a second time in the
23 mid-80s down the Cocoa side road.

24 Q. And the cuts that you are referring
25 to are near the -- off the New Liskeard Road are sort

1 of just in the Naismith Valley area--

2 A. Yes.

3 Q. --or just north of that?

4 A. Yes, or west of it.

5 Q. Off the New Liskeard Road?

6 A. Off a network of roads that come off
7 the Liskeard Road, yes. I've done that area by plane.

8 Q. I'm going to show you a photograph,
9 if I might.

10 A. Not by ground.

11 Q. It's a photograph which appeared in
12 the Temagami Wilderness Newspaper, what edition, 1988
13 edition, it's a photograph taken by Terry Graves who
14 was one of the witnesses this morning, it's a clearcut
15 on bedrock Naismith Valley, October, 1987.

16 Is that one of the photographs that you
17 said was taken and publicized? Now that I've told you
18 where it comes from. (handed)

19 A. I can only say that this is one of
20 the kinds of roads -- of the kinds of pictures that I'm
21 talking about. This is not a -- I have seen this
22 picture before. This is not a specific one.

23 One of the things that I have in my own
24 collection that I took myself, that I have in my own
25 collections that I took myself shows the edge of the

1 Smoothwater Lady Evelyn Wilderness Forest and a
2 clearcut that goes right up to the boundary and stops
3 immediately.

4 Q. Let's talk about this one for a
5 moment.

6 A. Sir, I cannot -- I have not
7 necessarily personally seen this one.

8 MR. FREIDIN: Can we file that as an
9 exhibit, Madam Chair.

10 MADAM CHAIR: Mr. Freidin, could you
11 identify the publication, please.

12 MR. FREIDIN: This is a photograph which
13 appears in a publication called the Temagami Wilderness
14 Summer 1988 edition and it is published by the Temagami
15 Wilderness Society.

16 MADAM CHAIR: All right. This excerpted
17 photograph from the Temagami Wilderness publication in
18 the summer of 1988 will become Exhibit 2187.

19 ---EXHIBIT NO. 2187: Excerpted photograph from
20 Temagami Wilderness publication,
21 summer 1988, published by Temagami
Wilderness Society.

22 MR. FREIDIN: Q. Now, Dr. Hodgins, it
23 says in the very first line of the article, it starts,
24 it says:

25 "Forest ecologists say there may not be

1 forest growing in this clearcut again for
2 500 to a thousand years."

3 Then it refers to this bedrock site south
4 of Lady Evelyn Smoothwater. I can tell you that --
5 well, let's assume for the purpose of my question that
6 this is the area that you are referring to off the New
7 Liskeard Road.

8 Do you know what's growing on that land
9 at the present time?

10 A. I don't know this particular spot, I
11 cannot identify this particular exact spot and,
12 therefore, I can't answer to you the question of what
13 is growing in this particular spot since I can't
14 identify it. I do know --

15 Q. I take it you are unable to advise
16 whether in fact the Board visited this very site during
17 their visit to this area in July, 1989?

18 A. The Board.

19 Q. This Board, Mr. Martel and Mrs.
20 Koven.

21 A. No, I cannot verify or not verify
22 that because I don't know exactly where this thing is.
23 All -- you know, I do know that there are similar areas
24 that were examined by myself and many other people--

25 Q. Right.

1 A. --where what I stated remains
2 correct.

3 Q. Let me ask you about the Charles
4 Brown clearcut.

5 A. Yes.

6 Q. How large did you say that was?

7 A. I guessed at it. It's 16 or so
8 hectares. I can put a circle on a map, but I can't
9 tell you hectares.

10 Q. I don't need the circle. I
11 understand that that stand when it was harvested
12 consisted primarily of poplar, that poplar was the
13 predominant species in that stand?

14 A. That has been part of the argument.
15 There are people who don't accept that.

16 I mean, as you know, there is a big
17 argument about what is a pine forest in Temagami. It
18 doesn't mean 80 per cent, 90 per cent pine, it may mean
19 35 or 40 per cent pine.

20 MADAM CHAIR: Mr. Freidin, you have lost
21 the Board. What are you talking about Charles brown
22 clearcut...

23 MR. FREIDIN: Mr. Hodgins mentioned in
24 his evidence the Charles Brown clearcut, indicated some
25 concern in one of the areas where they decided to go in

1 and cut the area, they cut part of the area and --

2 THE WITNESS: Then the company
3 disappeared.

4 MR. FREIDIN: All right. They didn't do
5 any regeneration and in response to the interrogatory
6 he is suggesting that that is an example of clearcuts
7 which were not replanted.

8 MR. MARTEL: Which year was this?

9 MR. FREIDIN: Q. Mr. Hodgins, what year
10 was that harvested?

11 A. '84 or '5.

12 Q. Right. Are you aware as to whether
13 the prescription at the time of harvest was to plant or
14 whether in fact it was to leave it to natural
15 regeneration?

16 A. The plan I was told verbally was that
17 it was going to be replanted.

18 MR. MARTEL: Where are we going, Mr
19 Freidin? I am lost, frankly. I have no idea where we
20 are going.

21 MR. FREIDIN: Professor Hodgins is
22 suggesting that there was devastation in areas and
23 areas which were supposed to be planted weren't
24 planted. I am not too sure I agree with his
25 information.

1 MR. MARTEL: I am just trying to put it
2 together.

3 MR. FREIDIN: I don't think I am going to
4 be able to put the whole picture together.

5 THE WITNESS: It does seem to me, sir,
6 that the degree to which there were bad practices in
7 harvesting timber in the mid 80s in the Temagami area
8 has been acknowledged by a wide range of scientists
9 and, indeed, by some MNR people themselves.

10 MR. FREIDIN: Q. Is Dr. Quinby one of
11 them?

12 A. Not an MNR official.

13 Q. Dr. Quinby would be one of them?

14 A. Quinby would be one of them. Benson
15 would be another.

16 Q. We will ask Dr. Quinby about that
17 tomorrow.

18 A. Yes.

19 Q. All right.

20 A. It's also true that in the midst of
21 the controversies, as you know, one of the first things
22 that the new minister did was declare a moratorium on
23 past practices for the cutting of pine in the area.

24 In my comments earlier I made occasion to
25 indicate when it was suggested that these had changed

1 for the better, and I was certainly one who said that I
2 believe they had, that I was referring to practices in
3 the mid 80s or earlier.

4 Q. Okay. We will deal with that again
5 probably tomorrow with Dr. Quinby.

6 A. Sure.

7 MR. FREIDIN: Those are my questions.

8 MADAM CHAIR: Thank you, Mr. Freidin.

9 Mr. Zylberberg?

10 MR. ZYLBERBERG: I have no
11 re-examination, Madam Chair.

12 MADAM CHAIR: Thank you very much, Dr.
13 Hodgins.

14 THE WITNESS: Thank you.

15 MR. ZYLBERBERG: That's the evidence.

16 MR. FREIDIN: I would like the copy, if I
17 might, of that photograph back.

18 THE WITNESS: I almost got away with it.

19 MR. ZYLBERBERG: That's the evidence I
20 have available this afternoon.

21 MADAM CHAIR: Thank you very much. Then
22 we will continue hearing from your witnesses tomorrow
23 morning at nine o'clock.

24 The Board has a procedural session now
25 and you are certainly free to go, but you are invited

1 to stay. I don't know if you will find it very
2 interesting.

3 MR. ZYLBERBERG: I probably would;
4 however, we conserve every hour of legal time that we
5 can budget.

6 MADAM CHAIR: Hello, Ms. Gillespie.

7 MS. GILLESPIE: Hello.

8 MADAM CHAIR: I think this is going to be
9 very fast. The Board has gone quickly and carefully
10 through your written evidence and we wanted to
11 acknowledge that it has been put together in a very
12 organized way and the Board finds it extremely helpful.

13 You have obviously had the benefit of
14 putting your written evidence together at the end of
15 four years, but we think that it has been done very
16 well and we commend you on that.

17 We have a couple of questions. As you
18 know, we don't have to explain to you how we conduct
19 these sessions, we have a couple of questions or
20 comments to make with respect to some matters we want
21 to have your witnesses address and we will go through
22 that.

23 It looks to the Board as though there
24 will be at least three parties cross-examining your
25 witnesses, the Ministry of Natural Resources.

1 Do we have a witness statement from the
2 Ontario Federation of Anglers and Hunters?

3 MR. PASCOE: Statement of issues, no.

4 MADAM CHAIR: We have interrogatories.
5 It is not clear to me if they will be cross-examining.

6 Have they said they will or they won't?

7 MS. GILLESPIE: We haven't received a
8 statement of issues and have not heard whether they
9 will or they won't.

10 MADAM CHAIR: Well, they certainly had
11 extensive interrogatories and so we won't dismiss the
12 possibility I suppose of them not wanting to
13 cross-examine, and obviously they can't be here today
14 so they shall not be penalized for that.

15 We also have a statement of issues from
16 Mr. Cassidy, but again I don't think he will be
17 cross-examining very extensively.

18 MR. FREIDIN: An hour for each witness.

19 MADAM CHAIR: All right. An hour for
20 each witness, is that what he said?

21 MR. PASCOE: That's what he said.

22 MADAM CHAIR: Okay. I have got them
23 clear now.

24 First two general questions to start off
25 with, Ms. Gillespie. You have said in your witness

1 statement that there may be continuing discussions with
2 the Ministry of Natural Resources with respect to
3 further changes in the wording of proposed terms and
4 conditions and, of course, the Board would appreciate
5 hearing that at the outset of your case if in fact any
6 of those changes have been agreed to buy the Ministry.

7 Our second question is raised by a
8 question posed by Mr. Hanna for the Coalition; that is,
9 what position is the Ministry of the Environment taking
10 with respect to proposals by the other parties which
11 are not discussed in any way in your written evidence.

12 Obviously, your evidence, your written
13 evidence is very succinct. You have identified issues
14 in, I suppose we could call it, dispute but certainly
15 the issues your client feels to be important and
16 unresolved as it stands.

17 Obviously, parties such as that
18 represented by Mr. Hanna seem to be asking for some
19 clear position by your client as to whether they
20 support or oppose what will be many, many different
21 positions and we would simply leave that question with
22 you.

23 MS. GILLESPIE: All right.

24 MADAM CHAIR: It seems to the Board that
25 the intervenors want to know whether the Ministry of

1 the Environment supports -- well, obviously there are
2 many aspects of their cases not addressed in your
3 written evidence.

4 In Section 1, which will be Mr. Neary's
5 evidence, the Board would like to know the extent to
6 which full-tree chipping is taking place in the area of
7 the undertaking.

8 First of all, if Mr. Neary has any
9 information on that. He makes a statement to that
10 effect, that it is a growing practice, and the Board
11 would like to know how frequently it is being used.

12 In Section 2, which is the evidence of
13 Mr. Bachs, we notice on page 10 -- well, throughout
14 this discussion, but your proposed change to term and
15 condition No. 84 is that the Ministry of Natural
16 Resources include using general standard site types or
17 combinations, and the Board is interested in exploring
18 exactly what these general standard site types might
19 be, how they would be developed.

20 Obviously, the Board has received all
21 kinds of information about standard site classification
22 often with reference to the FECs, but in other respects
23 as well, and we are very interested in knowing, does
24 the Ministry of the Environment have some system in
25 mind or how exactly would this system be developed.

1 In Section 3, which will be the evidence
2 of Ms. Dahl, the Board is interested on page 7 of her
3 evidence. The Board believes it understands the
4 position that the Ministry of the Environment is taking
5 with respect to avoiding a situation where the general
6 public feels decisions have been made in some way
7 before they are brought into the timber management
8 planning picture. That seems to be the general thrust
9 of your position.

10 The Board is curious to know about, I
11 guess, essentially about what objection there would be
12 to this proposal. We understand now that you haven't
13 been able to reach an agreement with the Ministry of
14 Natural Resources with respect to some change to stage
15 two of the public information process and it may be
16 that something will occur before your case begins, but
17 we are interested in knowing if the objection is this
18 on page 7, third paragraph, the second sentence, your
19 client Ms. Dahl refers to:

20 "...the need to provide the general
21 public with an opportunity to review and
22 comment on options being considered."

23 Obviously, we want to hear from Ms. Dahl
24 her views about how that will be done and, furthermore,
25 what the objections would be. Is that so very

1 different from what the Ministry of Natural Resources
2 is proposing.

3 We understand from your statement in the
4 first paragraph that this will refer in part to term
5 and condition 8(a) and we recognize Ms. Dahl's
6 statement at the conclusion of that paragraph that:

7 "In MOE's judgment the perception of
8 the public will be that operations have
9 been decided and that there would be
10 substantial resistance to public
11 suggestions for altering the proposed
12 operations in any substantial way."

13 On page 18 to 21 of Mr. Dahl's evidence
14 she discusses the proposed index to the EA components
15 of a timber management plan and the Board is interested
16 in knowing if this is a complete index of the contents
17 of interest to the Ministry of the Environment with
18 respect to any timber management plan. It is not clear
19 to us how complete this index is as the example stands
20 on pages 20 to 21.

21 Also, the Board wishes to hear from Ms.
22 Dahl whether there is any relationship between this
23 proposed index to Class EA components and the nature of
24 the evidence that the Board has heard with respect to
25 many, many aspects of timber management planning; in

1 other words, is the Ministry of the Environment going
2 to take a position at some point that the Board should
3 ignore a great deal of evidence that it has in looking
4 at this application and narrow its focus on the
5 information that is contained in this index, or is
6 there no relationship at all between this index which
7 we understand will apply specifically to the review of
8 an individual timber management plan as opposed to the
9 class environmental assessment that the Board is
10 looking at.

11 Those are the issues that the Board would
12 like to see your witnesses address.

13 MS. GILLESPIE: Thank you. We will try
14 to address those issues, Madam Chair.

15 There is one question that I would like
16 to raise out of the statement of issues that we have
17 received from MNR and from the Industry. Both of those
18 statements of issues raise an issue with the
19 qualifications and expertise of the MOE witnesses and
20 that issue means that we will have to spend more time
21 qualifying our witnesses than we otherwise would and
22 some clarification may help expedite matters.

23 First of all, we would like to know
24 whether MNR and the Industry are questioning the
25 qualifications and expertise of all three witnesses or

1 if it fewer than the three; and secondly, we would like
2 some clarification as to whether there is going to be
3 on objection to the qualification of these witnesses to
4 give opinion evidence at all as reflected in the
5 witness statements, or is it a question of challenging
6 their expertise in a way that goes to the weight of the
7 opinion.

8 If Mr. Freidin could give us some
9 clarification on that.

10 MR. FREIDIN: I don't remember. How did
11 you say you were going to ask that Mr. Neary be
12 qualified? There is nothing in there saying you are
13 going to ask him to be qualified as an expert in A, B
14 or C, is there?

15 MS. GILLESPIE: Not in the witness
16 statement. The witness statement speaks to areas --

17 MR. FREIDIN: I will be quite open with
18 us. Mr. Neary is a fisheries biologist having
19 experience in the scientific research in relation to
20 fisheries biology.

21 I don't think he has any expertise to
22 give evidence in relation to what is acceptable or is
23 not acceptable in relation to nutrient cycling which is
24 a matter which goes to the expertise of soil scientists
25 and perhaps to some degree people who practice in the

1 area of forestry and deal with soils.

2 So that's the main concern I have about
3 Mr. Neary's expertise.

4 MS. GILLESPIE: Is there any concern
5 about any of the other witnesses?

6 MR. FREIDIN: Not of that nature. I will
7 be wanting to explore with Mr. Bachs' his experience in
8 terms of timber management planning, and I will be
9 questioning Ms. Dahl in terms of her experience in
10 relation to environmental assessments generally and
11 class environmental assessments in particular.

12 MS. GILLESPIE: But not in a way that
13 challenges their ability to give opinion evidence?

14 MR. FREIDIN: I am not going to object to
15 them giving evidence. I am going to be questioning
16 them on their ground experience in relation to that
17 area, and Mr. Bachs says he is not familiar with what
18 his experience is in relation to timber management
19 planning per se and I want to ask him about that.

20 You have heard my view on Mr. Neary's
21 expertise.

22 MADAM CHAIR: Mr. Freidin, how much time
23 do you think you will -- what sort of a campaign are
24 you going to mount here with respect to Mr. Neary's
25 qualifications?

1 MR. FREIDIN: Notwithstanding the great
2 disappointment I have with not being able to question
3 Mr. Sutterfield, I think I probably will be about a
4 day. It's hard to say. I mean, OFAH have asked a lot
5 of questions --

6 MADAM CHAIR: Hold on. A day? You are
7 talking about your cross-examination?

8 MR. FREIDIN: Yes.

9 MADAM CHAIR: Thank you. I was asking
10 about how long you planned to explore Mr. Neary's
11 qualifications to give opinion evidence about nutrient
12 recycling and soil and so forth.

13 MR. FREIDIN: I don't think it should
14 take very long. It doesn't seem that he has very much
15 expertise --

16 MS. GILLESPIE: Well, I don't think
17 that's quite accurate.

18 MR. FREIDIN: I am going to ask him some
19 questions about it, but I can't see it taking more
20 than -- well, I think...

21 MS. GILLESPIE: We will lead some
22 evidence on that issue now that we know that the issue
23 is confined to nutrient cycling.

24 MADAM CHAIR: All right, thank you.

25 MR. FREIDIN: In anticipation, you have

1 already asked the question, I will about be about a day
2 in cross-examination. That's really a real guestimate.
3 OFAH have asked a lot of questions and the answers to
4 those questions, whether they come in the form of
5 interrogatory responses or whether they come in by way
6 of cross-examination, may give rise to all kinds of
7 questions. I don't know. So I am saying a day.

8 MADAM CHAIR: Of the three witnesses?

9 MR. FREIDIN: For the three. That's not
10 each.

11 MADAM CHAIR: Okay. What is the schedule
12 of responding to the OFAH's interrogatories, Ms.
13 Gillespie?

14 MS. GILLESPIE: Well, we are working on
15 those responses. We received the questions about ten
16 days after the filing date, so they are a little behind
17 in answering, but we hope that they will be distributed
18 on Monday the 20th of April.

19 MR. FREIDIN: By the way, Madam Chair,
20 because this is such a small informal group I should
21 comment that through further discussions with the
22 Ministry of the Environment it may be that some of
23 those things may come off the table. Not because the
24 Ministry agrees with their proposals, but they agree
25 with ours.

1 MADAM CHAIR: The Board certainly
2 encourages any fruitful discussions, Mr. Freidin.

3 MS. GILLESPIE: Mr. Freidin has told me
4 earlier that he doesn't know anything about the
5 negotiations, so we will put it in that context, his
6 comments.

7 MADAM CHAIR: All right. Is there
8 anything else you wish to take up, Mr. Freidin, with
9 the Ministry of the Environment in preparation for
10 their evidence.

11 MR. FREIDIN: Not in this forum. Perhaps
12 in the bar downstairs.

13 MADAM CHAIR: Ms. Gillespie?

14 MS. GILLESPIE: The only other thing I
15 might mention is we think the evidence-in-chief will
16 take a day and a half.

17 MADAM CHAIR: We have four days scheduled
18 to hear your evidence in the week of...

19 MR. PASCOE: Actually, we have two weeks
20 starting April 27th and the following week.

21 MADAM CHAIR: All right. It looks like
22 we will probably be finished then the week of April the
23 27th.

24 All right. If there isn't any other
25 business to take up before we will begin hearing your

1 evidence on April the 27th. That's a Monday. So we
2 will be beginning at 10:30 in Toronto.

3 MS. GILLESPIE: Great. Thank you, Madam
4 Chair.

5
6 ---Whereupon the hearing was adjourned at 4:50 p.m., to
7 be reconvened on Wednesday, April 15, 1992
8 commencing at 12:00 p.m. at 151 Bloor Street, 10th
9 Floor, Toronto, Ontario.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 BD/MC [C. copyright 1985].



